

THREE SPEECHES

BY

The Hon. Edward Blake, Q.C., M.P.,

ON

THE PACIFIC SCANDAL.

NUMBER ONE.

THE BOWMANVILLE SPEECH.

On the evening of Tuesday, the 26th August, 1873, shortly after the prorogation, and before the meeting of the Royal Commission, Mr. Blake addressed his old constituents in the Town Hall at Bowmanville. Having spoken for some time upon other topics, Mr. Blake proceeded as follows :—

I have come also for another purpose. I have come because I have been told, and I believe, that it is my duty to say somewhat to my fellow countrymen on the great topic which is now agitating the public mind. I cannot hope to say much that is new, but what I do say shall at any rate be, according to my convictions, true. The subject is of such vast scope that I cannot hope to treat it in one address. I shall therefore endeavor to point out what I believe to be the true history of the matter up to a certain period, reserving for another time and place the detailed expression of my views on the later phases of the story. In order fully to realize the situation, it is necessary that we should go back to the close of 1871. You will recollect that the Canadian Government which met Parliament in 1867 with a very large majority—with a majority in the whole of about 75 votes, and a majority from the Provinces of Ontario and Quebec of some 47 votes—had during the four preceding years been engaged in building up its political strength by means which we condemned—by grants of the public moneys, given in some cases almost openly, in other cases in fact, upon a consideration of the political opinions of the constituency or its member, and not solely, as we contended these grants should be given, upon public grounds and with reference to the general interest. There can be no doubt that owing to the demoralization of public sentiment in various quarters from various political occurrences, this atrocious doctrine received considerable countenance, and the practice of it produced considerable effect within

Government Preparations for Election of 1872.

the walls of Parliament and in several of the constituencies. The last session approached, and with it came the preparations for the general elections—that great trial, the verdict in which would establish whether or not the Government retained the confidence of the country. Some of the principal preparations of the Government were these :—They determined to play the part of Conservatives as to the Election Law ; to insist on retaining that law, which was vicious in two important particulars. First, in that it gave to the Government

HE 210
C2
B53
*** 4

the power of determining the order in which the elections should be held, a circumstance by no means insignificant in its effect on the general result; because, as we all know, the effect of carrying twenty or thirty constituencies at the commencement of a general election may be very great. It is calculated to excite the hopes and animate the exertions of the winning party, to damp the spirits and depress the energies of those who are losing, and to transfer from their ranks to those of their adversaries that too large body of weak-kneed and faint-hearted voters whose convictions of the right are too feeble to withstand their fondness for the winning side. The Government determined to retain to itself the advantage of fixing the order in which the great trials to take place before the people between the two parties should take place, and so to arrange the elections as to give themselves every advantage, and to inflict on their adversaries all possible discouragement. But the second particular in which the Election Law was vicious is of infinitely greater consequence. I refer to the machinery for the trial of controverted elections. We knew well the evils of this law; we had experienced them for many years. So strong had been the popular feeling that remedies had been applied in several of the Provinces, but it was quite obvious that the advantages of undue influence and corruption were too great to be thrown away by a Government which could procure means to exercise undue influence and to practice corrup-

Gigantic Scheme of Corruption.

tion, and so they determined to resist this great reform. Another preparation which the Government made for the coming contest, was to arrange for the means of influence and corruption. I need hardly tell you that this preparation was the Pacific Railway charter. That gigantic scheme was to be accomplished after a fashion unexampled in modern times, and calculated to give to the Government powers and facilities for influence and corruption of a most extraordinary character. The Government determined that two private companies who applied for incorporation, should be chartered on precisely the same conditions. But they stated that in order that the country might not be at the mercy of either of these companies or both, in case there should be a combination, they would ensure competition by taking to themselves power to charter another company. They also determined to take to themselves power to agree upon all the terms and stipulations of the contract, with the exception of some very general provisions which were contained in the Act of Parliament—provisions so general as to give an extremely wide discretion as to the disposal of the money and land subsidies. They took the power of making the company as they chose. They assumed the control of the \$30,000,000 in cash and 50,000,000 acres of land, and the large additional acreage for the two branch lines. It is difficult for the mind to apprehend the magnitude of these figures. \$30,000,000 is a national treasure; from 50,000,000 acres you can carve several independent States. But these were not the limits of the affair. The national control over another 50,000,000 acres, the power of dealing with that immense additional area was also demanded for themselves by the Government. They went further still. By this extraordinary Act, it was provided that an Order of the Privy Council might over-ride the order of Parliament, the provisions which Parliament had, during the same session, deliberately determined to be wise and needful in the public interest. This enactment, ceding to the Executive the control, unchecked, of transactions of such enormous magnitude, gave a means of exercising undue influence, and of acquiring funds for improper purposes, altogether beyond the means which had been in the possession of any Government of Canada at any previous time. Now, sir, these were the weapons which the Government

The Ring of Jobbers.

were preparing for the struggle. There was another body also preparing for that memorable meeting—the whole army of speculators. They saw before them in the prospect of this great railway, no ordinary contract, no ordinary job. The treasury of a nation, and the area of independent States, a predominant and commanding position in the country, were all to be the prize of some fortunate ring of speculators, and they too were making preparations to

influence Government, Legislature and people in favor of their particular views, and in furtherance of their private and personal objects. You know I do not state this from reports merely, or from rumour. You know it from what has been published of the correspondence of these gentry. Let us look for a moment at what they wrote. Let us listen to the utterances of these birds of ill omen. They saw before them a mighty carcass, and where the carcass is, the eagles—but I will not so degrade the name of the noble bird—no, the cormorants and vultures were gathered together ready and anxious to batten on their country's vitals. What says James Beaty, junior:—

"I had some confidential communication with a member of the Government, when in Ottawa, of great importance to us. I want to profit by it. We must be prepared for a fight, and now is the time to begin. There has been—as you are no doubt aware—a new Government formed in Ontario, the Opposition element preponderating in it, although a friend of the Ottawa Government is a member, and I may say to you he went in on the advice of Sir John. The result may be that this Local Government will eventually be driven from Brown, and that the entire party will side to a certain extent with the Ottawa Government, or it may eventually go in direct opposition to them, especially at the next elections this year. Our Bill and arrangements must therefore be made this session to be safe under all circumstances. I am in that position to advise a united effort in co-operation with the Government to carry this thing successfully. To do this, money will be necessary, and a considerable sum. I therefore write to say that I ought to be supplied at once with \$50,000, and another \$50,000 when the session opens, and I think that will do it. I will give an account for the whole of it, and I think I can guarantee a satisfactory charter. Of course, *this is not to be whispered this side of the line*, and on your side only as far as necessary to obtain it. It would play havoc with us if it were known that any money was in hand connected with it. I see now the best use to make of it, where prompt action is necessary. A letter of credit to Patterson & Beaty, on Bank of Montreal, or Bank of British North America—I prefer the Bank of British North America for various reasons. It is unpolitical, &c., and the same notice would not be taken of it there as in the Bank of Montreal. Of course, I always understood you were prepared to come to the requirements of the case when necessary, and I therefore write in this way. *It is now necessary to redeem myself*, to satisfy parties that must be satisfied, and to ask no questions at present. Kersteman does not know of this. It must not be known, and will be the more effectual the less it is known."

Harsh again to Mr. James Beaty:—

"I have had about three months' correspondence both by letter and personal interview of the first importance to the Government, and all this with the ultimate object on my part of settling the Pacific. The project had more of direct reference to the elections, and I always understood you to say that some thousands of dollars would be no object in reference to our common object."

Again—

"The Government have now taken the matter in hand, and will have, it is expected, \$100,000 subscribed in a few days to promote their influence in the country, which might have been done under our direct control, and with special reference to our scheme."

What were these unhallowed mysteries between the Canadian Government and James Beaty? But let us not waste our time, let us turn from this minor villain, and listen to the utterances of a bigger and still baser man. In the same month Sir Hugh Allan writes:—

"DEAR SIR.—It seems pretty certain that, in addition to money payments, the following stock will have to be distributed:—(naming various sums and parties to amount of \$850,000). To meet this I propose that we give up of our stock as follows:—C. M. Smith, \$250,000; G. W. McMullen, \$250,000; Hugh Allan, \$350,000; total, \$850,000."

He goes on to say:—

"Please say if this is agreeable to you? I do not think we can do with less, and may have to give more. I do not think we will require more than \$100,000 in cash, but I am not sure as yet. Who am I to draw on for money when it is wanted, and what proof of payment will be required? You are aware I cannot get receipts. Our Legislature meets on the 11th of April, and I am already deep in preparation for the game. Every day brings up some new difficulty to be encountered, but I hope to meet them all successfully. Write to me immediately. Yours truly, HUGH ALLAN."

And then comes the postscript. Like the ladies' letters, the most important part is the postscript,—“I think *you will have to go it blind* in the matter of money—cash payments. I have already paid \$8,500 and have not a voucher, and cannot get one.” There, Mr. Chairman, is the language of this gang, working their work in darkness, because their deeds were evil. Urging the necessity of silence, pointing out the impossibility of getting vouchers or receipts, and saying, each in his own language, that their correspondents must ask no questions, but go it blind in the matter of money. I think, considering the difference in situation, in standing, and in every attribute of the two men, that there is a wonderful family likeness between them notwithstanding; and I suppose it is only to be accounted for by the fact that they were of the same class—engaged about the same dirty business, proposing the same dirty means, and so revealing in private that baseness of heart which no scruples of conscience, but their dread of the public wrath, caused them to conceal from the public mind. The discovery of these letters has disgraced their writers in the sight of every honest man. Now you have had a glimpse at the preparations of the speculators; you have heard a short extract from the language of the prince of bribers and of his humble follower, Beaty; and I shall next direct your attention to the preparations which were being made by another body in the State. The Liberal party was making ready to foil the devices of these corrupters of public morality, the Gov-

Anti-Bribery Bills voted down.

ernment and the speculators. We were proposing to offer to the consideration of Parliament and the country, additional grounds for reposing confidence in our policy and for reversing in 1872 the verdict given for the Government in 1867. We proposed measures which, had they been received by the Government—had they been heeded by Parliament—would have averted the very great scandal which has since arisen, and saved the country from descending into the humiliating position in which, I am sorry to say, it stands this day. We recalled, sir, in anticipation of the great contest, the fundamental principles of liberty. We were not forgetful of the maxim that public virtue is the foundation of popular Government; we were not forgetful of the great truth that unless there exists in the people a high degree of public virtue, they will be unequal to the grave responsibility of self-government. We remembered that whatever tends to vitiate, degrade, or weaken that principle, tends to the destruction of popular Government, which is endangered by the introduction of motives conflicting with that principle, and must, the moment such motives become prevalent, inevitably fail. When that high sense of public virtue has been so far weakened as to leave the country practically at the mercy of men who, by money or influence, control the exercise of the suffrage, they have succeeded in converting that which has been regarded as the shield of liberty into an instrument of tyranny. Feeling that the exercise of the suffrage, the greatest political right that belongs to a freeman, must, amongst the mass of the electors, be based on public grounds, not upon grounds of private affection, or of prejudice, and far, far less upon the basis of undue influence, or of the purchase of the vote—we regretted to see that there had been growing, from General Election to General Election, a system of bribery and corruption. We were aware that, pressed by similar difficulties, the longing for a remedy had so far animated the people of the old land that they had pressed upon Parliament, and Parliament had agreed to the new election law. We were proposing to do not only what had been done in Great Britain, but what had been done by the Local Legislatures in our own Province, in New Brunswick, and in British Columbia. Thus a large majority of the constituencies of the Dominion, in their local elections, were ruled by that law, and we felt that we could do no greater public service than forthwith to make it the law of the Dominion. We felt that it was a law which would give comparatively cheap, speedy, and certain justice in the trial of controverted elections. We felt that that law, severe and harsh as some erroneously call it, would really be most beneficent, fulfilling the highest function of a law, acting as a preventative, and not simply as a punishment, of

bribery and corruption. I say a preventative, for the candidate and his supporters, knowing that under its provisions the use of undue means would ensure defeat and failure in the accomplishment of their object, would be restrained from the crime. Under the existing law, so great was the difficulty of trying such charges, so enormous the expense, so marked the uncertainty, that to have obtained, by whatever means, a seat, was, for all practical purposes, to have secured it for the entire Parliament. The new law, and one for simultaneous polling, were pressed upon the consideration of Parliament. But the Government said no. They told us in grave, yet impassioned tones, that it would be most improper to ask the Judges to try such cases, even should they be willing to consent. They told us that it was impossible for the Judges to find time to try them, even if it would be proper to ask them; and they referred us to a single case in Ireland, where the language used by the Judge produced great excitement, as a conclusive reason why we should not adopt that law in this country. Of the weight which, in their own minds, they attached to these arguments, you and I can well judge, knowing, as we do, that no sooner had their true object been accomplished than on the meeting of the new Parliament the same law was proposed by themselves. Now, may we not justly conclude that their true object was simply and solely to obtain the benefit in the coming struggle of the evil system which they so soon afterwards agreed to abandon? But it was absolutely needful for them just then to retain the old law, because without that their means of undue influence and corruption would have been of little avail. As I have said, they had to go further: They proceeded to find the means of influence

Unprecedented Character of the Pacific Railway Bill.

and corruption. They introduced and carried, in spite of our opposition, a law giving them those extraordinary powers with reference to the Pacific Railway contract. We all remember the often quoted saying of a Minister at the Toronto Convention of '67, that the Intercolonial Railway would give Sir John A. Macdonald ten years' lease of power, and we know how far that saying has been verified. But it would puzzle anybody to determine how many times more powerful the Pacific Railway scheme would be than the Intercolonial, the enterprise being infinitely more gigantic, and the mode upon which it was to be carried out infinitely better adapted to give unlimited power to the Executive of the day. When that measure was proposed we contended that a constitutional principle was involved. We were told in reply that the powers of the Executive would be used in a proper way, and that no harm would result. But we contended that a violation of sound principle would produce unsound practice. Practice is simply the reduction of principle into action; and to be sound in practice you must be sound in principle also. Now, sir, the principle which was violated was this, that in free Constitutions the Executive power must be guarded, limited, and restrained, and must not be permitted to encroach on the rights of the people and their representatives. Executive power it is which has at all times been the great foe of liberty. The name under which this power is exercised is wholly immaterial. Whether it be a King, President, or Cabinet which wields the Executive power, the constant tendency of those possessed of such power, is to invade the domain of the other branches of the Government and to enlarge their own jurisdiction. In the great struggle which subsisted for so many years in England, out of which the liberties you now hold were gradually evolved, this was the main subject of contention. This lesson has been graven on the hearts of the British people, and we must never for an instant forget it. I warn you to beware lest the length of time since that struggle ended should make you heedless of the prize which it secured. By gradual steps, here a little and there a little, the liberties of a people may be invaded, and results accomplished by degrees which, had they been proposed as one operation, would have been rejected as monstrous. It is then the duty of every representative of the people narrowly to watch any proposal which may tend to give larger authority to the Executive than it has, according to the well-established principles of the Constitution. These principles were violated when we gave the Executive power to conclude irrevocably, and without the

assent of Parliament, such a gigantic contract as that for the construction of the Pacific Railway. An ordinary steam-packet contract is submitted to Parliament for approval. There have been two contracts made in the last year with Sir Hugh—one, the contract for carrying mails across the ocean for a short period, and for an amount, too large, indeed, but still insignificant compared with the Pacific. That comparatively trifling affair was properly submitted to Parliament; but the other and enormous contract made with Sir Hugh for the Pacific Railway, was left in the hands of the Executive without any power being reserved to Parliament. Can these things be reconciled? But argument was vain; the Government prevailed, and certainly at the close of the session it seemed as if they had won the battle. They had maintained the bad election law which gave them facilities for bribery and corruption, and they had obtained power to make the mighty contract which was to give them

The Ring go to Work.

unlimited influence and funds for corruption. In the meantime the bribers had been at work. We know that Sir Hugh received some \$40,000 during the session from his American associates for the secret purpose referred to in the latter part of the letter which I read. He spent the money, he tells us, in polluting the press, the bar, the pulpit, and, I suppose, he entered the legislative halls as well. To him no place was sacred; in his eyes every man had his price; and in his mind the only questions were, how cheap he could be bought and whether he was worth the money. There has arisen in these days, through the extension of the press, a means of influencing public opinion more potent than any known to our ancestors. You know there have been no speeches on recent developments in this great scandal, but you are familiar with the arguments on both sides because you read the papers. But what confidence can you place in those utterances, when you are told by the man who is said to be the representative man of Canada, commercially, that he bought and subsidised the newspapers and so polluted public opinion at its source? He undoubtedly gathered around him a very strong influence. He combined certain local interests in Quebec with the great scheme he had in hand. There was a very strong desire to promote a railway from Montreal to Ottawa, and thence westward. This he took hold of and identified it with the Pacific Railway scheme. He told those locally interested that both should stand or fall together, that if he obtained the contract for the Pacific Railway their anticipations would be more than realized. And having so gained their confidence, he took his place. He stood a gigantic figure in the path of the Government, and

The Electoral Contest of 1872.

dominated the situation. The Liberal party, in the meanwhile, was preparing to fight the battle on the grounds which it had indicated during the preceding session, confident that it was sustained by the public voice. And, Sir, this confidence was not misplaced. The arrangements which had been made for the earlier seriously contested elections to suit the convenience and wishes of the Government, turned out most propitious to the Liberal party. Seat after seat was wrested from the Government in Ontario. In Quebec Sir Geo. Cartier's election and those of other Ministerialists were in imminent danger, and it became evident that unless some new lever were brought into action, they would be lost. The situation of the Government

The Government and the Ring Come to Terms.

was desperate. Under these circumstances, in the last of July and the first of August, they yielded to Sir Hugh Allan. His influence and money had become not merely desirable, but absolutely necessary to them. Adverse as Sir George Cartier had been at an earlier period to Sir Hugh Allan's pretensions, he yielded, and arrangements were made between these persons satisfactory to Sir Hugh Allan. What precisely was the assurance Sir Hugh obtained is matter of controversy, but those who are well-informed with regard to the history of the negotiations, say that there were more formal assurances than those Sir Hugh has produced. But it is enough for our purpose to know that assurances were given which Sir

Hugh accepted as satisfactory. Well, the matter was to be kept quiet till after the elections, partly because embarrassment might be created in Ontario. Mr. Macpherson was at the head of another company, and he was opposed to any preference being given to Sir Hugh. So Sir John Macdonald states in the published telegram, and he makes the stipulation that nothing was to be known till after the elections, so that he might have Sir Hugh's assistance from below, and Mr. Macpherson's assistance from above. The influence which Sir Hugh

Sir Hugh Allan comes to the Rescue.

had been prepared to exercise till that moment to defeat Sir George Cartier and his friends, he turned in their favor, on receipt of the assurances for which he bartered that influence. A few days after the assurances were given, upon the 8th of August, he appeared at a public meeting in the city of Montreal, beside Sir George, and formally stated to his friends that he had received satisfactory pledges, and intimated his desire accordingly that they would support Sir George and his party. At the same time that Sir Hugh Allan's influence was thus acquired, arrangements were made for his advancing money, not merely for Sir George Cartier's election, but for other elections generally. The elections in the Montreal district—in the city of Montreal and surrounding constituencies—were managed by a central committee, which had its head-quarters in that city. Arrangements were made for the supply of funds to this Committee on Sir George's requisition, to be dealt out amongst the constituencies. All these arrangements were contemporaneous with the giving of the satisfactory assurance to Sir Hugh Allan with regard to the Pacific Railway contract. These things are incontrovertible. There is no question of their truth. But it is stated in defence

"Quite Accidental!"

of Sir Hugh Allan and the Government that the several transactions had nothing to do with one another; they were mere coincidences. The fact that Sir Hugh Allan having insisted upon a particular thing being given to him, upon a certain memorable day obtained it, and the further facts that on that day he turned round and extended his influence in favor of Ministers and their friends, and upon the same day arranged for the supply of money for the same purpose, you are to regard as entirely distinct—mere coincidences, events which, though occurring at precisely the same time, had nothing whatever to do with one another. It was a pure accident that they happened together; that is the argument. Now, all those of you who have ever been suitors, or witnesses, or jurors, or spectators in a court of justice, must have heard and seen, time and again, similar absurd but utterly futile efforts to persuade the court that two contemporaneous transactions between the same parties were yet wholly independent of each other. The answer has always been, in the words of the proverb, "I can put two and two together;" and if such a flimsy argument were presented in a court it would be laughed out of the place. It is perfectly ridiculous and unworthy of every intelligent and honest man to argue that these facts had no connection with one

The Connection between Allan and the Government utterly Indefensible.

another. I say it was utterly impossible for the Government to have honestly, even for legitimate election purposes, taken one shilling from Sir Hugh Allan, or from John Abbott, in the relations which they mutually occupied to them. Sir Hugh was then at any rate a competitor for this great contract. If he had not already obtained it, he was at any rate seeking it, and had received certain assurances, satisfactory to himself, as he tells us in his affidavit. Standing in that relation to him, was it possible that honest men could have received from him or from his solicitor and agent contributions even for honest election purposes? Could they be free in dealing with him afterwards? Yet these men had supplied Sir John A. Macdonald with money to the amount of about \$100,000, and the Central Committee to an amount approximating to \$150,000; and all this money was supplied during the crisis of the election, not, as the amounts plainly showed, for honest purposes, but for the purpose of bribing the electors of this country. Now, sir, let me remind you of some of the declarations of Sir John Macdonald. You will remember that while this

business was going on, while these transactions were being accomplished at Montreal, Sir John A. Macdonald was making an election tour through Ontario, and after they had been

Sir John's Election Speeches.

concluded, he continued that triumphal tour; he made his impassioned speeches; more than once he called his God to witness that his hands were clean. He poured filth upon his adversaries. Let me read you from the *Mail's* reports what he said. At Clinton, on the 17th of August, he said:

"After the long service he (Sir John A. Macdonald) had given to the public he could now come forward and challenge friend or foe to state on the hustings before the people, or in private discussion, that he had ever been guilty of an unclean and disreputable act. In the United States they had seen one Judge dismissed and dying broken-hearted, and another brought to his death-bed, because improper conduct had been proved against them. There, too, they saw corruption rife in all political parties, public men, depraved officials purchased, whole communities sold like sheep in the shambles, and the public outraged by such indecent venality. But nothing of the kind was seen in Canada, and why?"—Can you conjecture why, my friends? Let me read on:—"Because for seventeen years he had been the chief member of the Government, and during all that time had looked steadily to the mother country for an example. There might be political contests in England, but whoever led the Government there, whether Mr. Gladstone or Mr. Disraeli, both of whom were his personal friends, they might be certain it would be composed of honest and upright men who would earnestly devote the intellect and capacity God had given them to the best interests of the country. It was his pride and boast that he had endeavoured to pursue the same course in Canada. He might, without dishonesty or dishonor, have used occasionally the means of information possessed by every Minister of the Crown in order to amass a colossal fortune; but from the beginning of his political career he had laid down this rule, and not only had he insisted upon it himself, but he had insisted on the observance of it by his colleagues, that no Minister of the Crown should make one farthing beyond the salary which he derived from his office. If ever there had been a suspicion, or a doubt, or a charge to the contrary—and sometimes there had been charges—he had investigated the matter to the bottom, and sometimes they might have seen that Ministers had disappeared from his Government."

A most curious statement this! The charges which had been made against members of his Government were true then, and the gentleman told the public that he had found, if not himself, at least some of his colleagues, guilty of acts of corruption charged against them. But he, forsooth, was a moral and high-toned gentleman, and dismissed them from his counsels as unworthy of his distinguished company! At St. Mary's, two days afterwards, on the 19th August, where Mr. Kidd was the Conservative candidate, he said:—"He appealed to Mr. Kidd to say whether he had received or been promised any money from the Government to carry on the contest in South Perth?" Mr. Kidd replied, "Not a farthing." Sir John Macdonald said "the same answer would be given by every candidate in Ontario if he were appealed to." Now, Sir, here is a statement made by himself—that every Government candidate would say, if appealed to, that not a farthing had been supplied to them by the Government to aid them in their elections! At Sarnia, on the 21st of the same month, his speech is thus reported.

"He went on to charge the Government of Ontario with using its powers corruptly, by granting silver lands in return for assistance at these elections. This would be proved before a Committee of the House during the next session of Parliament." On the 30th of August, four days after the famous 26th, he said:—"He had come to Lindsay for the purpose of doing what he could in his humble way for his personal and political friend Mr. Dormer. * * * He referred to the attempts that had been made to corrupt the constituencies during these elections. He charged the Opposition with bribery on an extensive scale. * * * He did not doubt that large sums had been raised as a corruption fund among persons interested in timber licenses under the Ontario Government. He said that already a case had been made out against them which would demand legislative action of the most stringent kind. To show the capacity of the Opposition for corrupt work of that kind, he referred to the outrages that had been committed in Proton and elsewhere, and said that these matters would undoubtedly come before Parliament at its next session."

This was on the 30th of August, while his hands were reeking with pollution! This was while he was putting those unclean hands into the money-bags of Sir Hugh Allan and Mr.

Abbott, and bribing the electors of Canada with money obtained by his cession of the rights of those whom he was thus corrupting and demoralizing. I need hardly say to you that four days before that last speech he had sent the now famous telegram, "**Must have another ten thousand. Will be the last time of calling. Do not fail me;**" showing that there had been "ten thousands" sent before, and that the money was being received and spent at the very time he was making these assertions of his innocence, and accusing others of guilt which was his alone. Sir, I need not remind you that he did not repeat those charges against the Government of Ontario during the session. His statements that there would be a Committee of Investigation, when these facts would all be brought before the House and the country, have not been made good. The session began and ended, but he never dared to moot the subject in the House. He knew he had no ground or pretence for these charges, which were utterly false, but he sought by charging others with what he had been guilty of himself to divert public attention from his own culpable proceedings. He acted like the robber who, while he is running away with the spoil, cries "Stop thief" very loudly all the time. Now, these are the circumstances, as they appear before you, undisputed and indisputable, occurring while the elections were proceeding. While he was at this

The Ring at Work in Lower Canada.

work in Ontario, the Central Committee and Sir George Cartier were at like work in Quebec, and as I have told you, a still larger sum was disbursed down there than was disbursed up here. Well, Sir, it was said at one time that the money had to do with the Northern Colonization Road. That is of no consequence. Of course it is equally improper to bribe with money obtained from one quarter as with that obtained from another, but at any rate the Northern Colonization Road was identified with the Pacific Road. They were part of the same scheme. It was said, again, that the advance had to do with Sir Hugh Allan's political feelings—that he was an ardent Conservative and subscribed these sums in the interest of the cause. His letters have told how much he thinks of politics. There he describes the two political parties as factions, and informs his correspondents that the Lower Canada members, whom Sir George Cartier influenced, held the balance of power and could control this country. He does not tell you in the freedom of private correspondence of political aspirations of one kind or another; on the contrary, he shows that he intended to stand in the path of the Government, determined to do his best to defeat them, unless he obtained the Pacific contract, willing to support them if he should get that contract. He an ardent politician! I am told he never subscribed to an election in his life before. He is conservative of one thing—I mean his money. But it was not because he had any interest in politics for their own sake, one way or another, that he advanced these moneys. It was a pure—or rather an impure—business transaction, and his letters show that the whole amount he expended, including the \$40,000 which he obtained from his American *conféres*, nigh \$400,000 in all, was an expenditure made in order to obtain, and charged upon, this contract, believed by his American associates to have been so expended, and claimed by him to be payable to him after the contract was secured; and yet men will dare to tell an intelligent people that these are political subscriptions by a public man, without any reference to contracts, or anything but political pur-

Baseness of the Whole Transaction.

poses. Sir, the culprits may come forward, and they may pledge their oaths to their innocence; they may call their God to witness again, as they have called their God to witness before—I know no difference in the solemnity of the adjuration, whether it be made upon the hustings, or in the witness box—but in the face of all these letters and telegrams, and in the face of these admissions, it is utterly impossible to believe any such statement, it is utterly impossible to find any means of escape from the conviction that "those hands" are unclean, indeed. It is utterly impossible to find means to escape from the conviction

that the enormous powers entrusted to them in reference to this contract were used for the purpose of procuring influence and cash from the contractor to whom they agreed to give the
Its Effect on the Elections.

contract. What, sir, was the result of this profuse expenditure? I have said that the Government majority in Ontario and Quebec had been forty-seven, and even after this expenditure, that majority was turned into a minority of nine in these two Provinces. The disgraceful conduct of Ministers in reference to the seats for South Renfrew and West Peterboro' took two of those votes away, making four on a division. There was therefore, on the whole, a change in the two Provinces of old Canada from a majority of forty-seven for the Government to a majority of five against it. Now, with such overwhelming evidences of the change in public opinion, what would have been the result if \$350,000 of the Pacific money had not been put into the scales? I venture to say that I am speaking far within bounds when I say that twenty constituencies in Ontario and Quebec have been purchased by that expenditure, and that instead of the Opposition being in a majority of five in both Provinces, they would, if that money had not been used, have been in a majority of 45. The situation of the Government was desperate, they had taken these desperate means to remedy it, and yet when Parliament met, their power depended upon the men from the Maritime Provinces, the bulk of whom had belonged to the old Liberal parties in those Provinces, and were by no means strenuous supporters of the Government. They were able to obtain a majority on the first vote; and having done so they obtained temporarily the control of the House, but by no certain tenure. There was no moment at which their position was easy during the session. The people of the outlying provinces did not feel satisfied with the course they were taking in supporting a Government which had only a limited share of their confidence, and which had lost its hold on Ontario and Quebec, while what strength it had was due to the corrupt

The Ring Money. "merely" used in Corrupting the Electors.

means to which I have referred. Some of the friends of the Government urge that they are less blameworthy than if they had pocketed this money themselves; and seem to wish a verdict of not guilty on that ground. They were not charged with having pocketed the money; but I declare to you that I conceive that would be a crime less grave than the one with which they were charged. It would certainly have been a more sordid, a meaner crime—a crime which would expose the perpetrators to greater contempt, but by no means to greater indignation. In the case supposed it is the disgrace of the Minister alone; whilst in the actual case it is the disgrace of the whole country. In the case supposed you can easily punish the criminal Minister; but in the actual case, how are you to vindicate public justice? \$350,000 have been scattered broadcast throughout the country in corrupting thousands of electors. Sad experience has shown that those who have been once bought are more likely to make merchandise of their votes thereafter. Thus not one, but thousands of crimes have been committed, and the moral sense of the community has been sensibly lowered. You may indeed punish the Minister, but how shall you punish these unworthy voters—how shall you restore the purity and independence which have been bartered

The Entire Political Fabric Undermined.

away? Again, remember that by what has been done, a majority has been purchased. The free voice of the people has been overborne, and these men rule, not because the free voice of the people has so decided, but in spite of the utterances of that voice. I deny that my rights or your rights are to be subject to the control of those who sell their votes. That is not the theory of popular Government, and in practice would be found intolerable tyranny. Such a House should be purged at an early day, and if it were found continuously that the unbiassed vote of the country were crushed by the purchased vote of some unworthy men, the time would have arrived for such a change in the system of Government as would render it tolerable by a free people; and I have no doubt that in that evil day you would be found ready for the exertions and sacrifices to which you might be called, as your ancestors

were ready when the day came for the vindication of liberty against tyranny. But it would be in truth an evil day ; and it is because I am so fully sensible of its horrors that I am inclined to describe as the most heinous of public crimes, such a betrayal of your liberties as would result in your being forced to rise in their defence. Shortly before the session began, the Government made the great Charter Contract. I shall not enter into its details to-day. You are familiar, I suppose, with its provisions, which have been the subject of discussion in the press. They have not yet been the subject of an exhaustive discussion in Parliament. We saw before the session was far advanced that there was a prior question. Before we came to discuss the Charter we had to discuss the charterers ; we had to discuss the parties, and the considerations moving them, before we came to the terms of the docu-

Bogus Character of the Ring Charterers.

ment itself. A word or two I may say with reference to the composition of the Company. I have seen it stated that while Sir Hugh Allan is only President of the Company, the other corporators are respectable gentlemen, with the great majority of whom he has but little connection. I am willing to admit that some of those gentlemen are very respectable, others are less so. The subscription shows that they have as a rule taken up \$750,000 each, and paid down \$75,000 each, and we well know that there are very few of these gentlemen who could pay the 10 per cent. Not a single man, except Sir Hugh Allan, could pay the \$750,000. It has been seriously pretended that these subscriptions and payments were made *bona fide*, but respecting some of them, at any rate, there can be but little doubt. The payments of some of these gentlemen were, I believe, advanced for them; others subscribed upon an understanding that they should not be called on to assume any continued responsibility ; it is said that one of the corporators was not aware of his situation till after the formation of the company ; and on the whole it is impossible to describe what has been done as a *bona fide* subscription and security for \$10,000,000. The cash, it seems, has been arranged for, so that it is to remain undrawn at the various banks at 5 per cent., under the deposit receipts of the banks. These have been accepted by the Government upon the same terms, so that unless Parliament should otherwise order, the money is not to be drawn out of the banks in which it is said to have been deposited. You understand what that means. It means that the so-called payments in some instances, at any rate, made through the banks, were nominal payments representing merely transactions of accommodation, and not cash at all. Now, sir, it is said that this Company is not to stand or fall by Sir Hugh Allan ; but I say that the memorandum of Sir John A. Macdonald upon the contract shows that Sir Hugh is the great controlling spirit of the concern. Sir John, throughout, speaks of the parties as " Sir Hugh Allan and his associates." He is the head of this Company, and, if no honest man is to be found—and for the honor of my country I hope no man will be found—to vindicate Sir Hugh Allan, whatever may be the result to the Government of the great cause now so long pending, it is utterly impossible that we can entrust to a man, the author of a correspondence the most scandalous and profligate of modern times, the asserter of his own disgrace, that influence and position which is to be looked for and must be the property of him who is to be the President of the Canadian Pacific Railway Company.

The honorable gentleman then intimated that he had arrived at that stage of his narrative at which he proposed to close his more detailed remarks, and that he would endeavor, in a very few words, to give a cursory account of the subsequent transactions in this connection. Neither their patience nor his strength would permit him to deal with the whole subject just now as he desired, or as its importance deserved. He then reviewed the subsequent events, referring, amongst other matters, to the constitution of the Royal Commission, and pointed out that it was not to be wondered at that the head of the judiciary of Ontario should have (as it was publicly stated he had done) repelled the approaches made to him on the subject of his becoming a Commissioner, and this on the ground that the proceeding was unconstitutional.

NUMBER TWO.

THE LONDON SPEECH.

On the evening of Thursday, 28th August, 1873, Mr. Blake addressed a public meeting as follows :—

MR. BLAKE said :—Mr. Chairman, Ladies and Gentlemen—Deeply conscious, as I am, of my incapacity properly to handle the great question to which you, sir, have alluded, I did not feel free to decline the invitation extended to me by my political friends in this city, considering that it was my duty at this great crisis to contribute my quota, however small, to the defence of the common weal. The subject is so large, and involves so many considerations of an historical as well as of an argumentative character, that I should not attempt even the most cursory summary within the limits of one address. On a recent occasion I took the opportunity of discussing some of the earlier events bearing on the situation of to-day. Trusting to your acquaintance with public affairs, I shall not now review those events in detail. (The speaker proceeded to summarize the account given by him in his speech at Bowmanville, and continued as follows):—Permit me, then, to commence my detailed

The Parliamentary Session of 1873.

remarks by adverting to some of the incidents of the late session. In accordance with a promise contained in the speech from the Throne a law for the trial of elections was brought forward, and then was seen the hollowness of the pretences on which, only a few months before, when a similar law had been proposed, it was kicked out of Parliament by the very men who now introduced it. All the difficulties which they had announced anterior to the elections had vanished when the elections were over. The steed had been stolen, and the stable door was about to be locked. But not just yet; there was yet a steed to steal. Some elections were expected shortly. Some vacancies there were already in the Cabinet, and further changes were known to be imminent. Although it was acknowledged now, so

The Anti-Corruption Bill, Again.

late, that this was a good law, which it was in the interest of the country to pass; yet even at this late moment the Government resolved to postpone its operation until the month of November next, leaving the intermediate elections to be held under the provisions of the old and abandoned law. This action on the part of the Government was utterly indefensible, but it was necessary for the completion of Ministerial arrangements. South Ontario must retain the bad pre-eminence it has of late years acquired amongst the constituencies of this country. Mr. Gibbs must become a Minister, and Mr. Gibbs must not be deprived of the only means by which he ever had represented or ever could represent that unhappy Riding; and so for a while longer the powers of darkness were to prevail. The Minister who has so long ruled this country with a cynical disregard of consistency and principle, perhaps the most remarkable feature in a remarkable career, was now to give one more example of this characteristic. That good and great man, the echoes of whose speeches against the bill were still lingering around the hall, was now to propose its adoption; and hardened though he was, he felt the embarrassment of the situation. He did not attempt to defend this change of policy. The measure was introduced in silence; the second reading was moved in silence; and it was in Committee of the Whole, where the details alone are considered, that we obtained the first opportunity for discussion. A single evening's debate proved so unsatisfactory to the Minister that he postponed the resumption of the subject until the very last days of the session, when it was impossible to resist the action of the Government. The bill is certainly an immense improvement on the existing law, but it is by no means as satisfactory as it would have been, had the free

will of the House been allowed to operate upon it. It requires, and I hope will shortly receive, serious amendment. Now, Sir, while the strength of public opinion, as evinced

Rumors of the Great Scandal.

during the elections, was forcing the election law upon Ministers, rumours which had been current for a considerable period of an enormous job in connection with the Pacific Railway gradually assumed consistency and shape. Many who were aware of suspicious transactions in times past, and believed that there had been corruption in connection with the distribution of public moneys and public contracts, were yet of opinion that even if there had been some wrong doing as to the Pacific, it would be as in former years, impossible to ascertain the truth. We know that, as a rule, these transactions are conducted in all the obscurity, surrounded by all the barriers, and cloaked with all the devices which can be planned by the ingenuity of man, and that it is always difficult, and frequently impossible, to establish them; nor do I wonder that even those who most suspected Ministers of such improprieties, should have been very doubtful that they could be proved. But the transactions were so large, the interests so numerous, the conspirators so audacious, that the plans for concealment were baffled, and shortly after the commencement of the session, circumstances became

Mr. Huntington's Charges.

known to Mr. Huntington which warranted him in making, and since they warranted, bound him in the discharge of his public duty, to make the statement which has created so much discussion. I need not repeat the words; they are graven on the hearts of the people of Canada; you remember that he alleged his ability to prove certain high crimes and misdemeanors against Ministers and members of the House, and moved for a Select Committee to enquire into the matter. It was a mighty issue. Its determination was to affect the character of Canada and her institutions for long years to come; for if it be true that such guilt has invaded the land, and yet public sentiment shall permit the culprits, adding crime to crime, to violate the Constitution in their flight from justice, and so to escape the fit reward of their accumulated guilt, we shall have degraded ourselves in the eyes of the world, and shall have pronounced ourselves unequal to the position of a self-

The Motion for Inquiry Summarily Voted Down.

governing people! How was the motion met? It was met by the Government with no word of denial, with no word of explanation, with no word of reply. Assuming an attitude of injured innocence and offended dignity, they called upon their followers to vote it down, and their followers were equal to the occasion. The step was a bold one, but in their desperate situation not unwise. Could they have maintained their ground it would have been well taken; but they could not maintain it. The reaction was almost instantaneous, and

Public Opinion Condemns the Refusal of Inquiry.

within six hours it became obvious to those who had the opportunity of observing the turn of events and the drift of public opinion, as evinced within the walls of Parliament, that a retreat must take place, and an enquiry be conceded. The change was announced next day, and shortly afterwards the Minister himself moved the reference of Mr. Huntington's state-

Ministers Impeached.

ments to a Select Committee. By that motion, to which the House unanimously assented, the Minister acknowledged, first that Mr. Huntington had preferred those charges in a proper manner and upon a proper statement, and secondly, that he had proposed the proper mode of investigation—that same tribunal which the Minister himself asked the House to adopt for the purpose. During the discussion, the Minister announced that the motion was in substance an impeachment. And he was quite right. It was not, of course, technically an impeachment, because in that Constitution for which he is chiefly responsible, with wonderful prescience, he was careful to make no provision for the establishment of a Court of Impeachment; but it was, as he said, substantially an impeachment, and that for a high

political offence, such as has always been disposed of exclusively by Parliament. In his motion, he somewhat limited the enquiry proposed by Mr. Huntington; and he added a clause giving the Committee power to sit if need be (mark the words, "if need be") after the prorogation of Parliament—a thing impossible according to ordinary Parliamentary doctrine, which lays down that the House cannot give to any of its Committees a life longer than its own; but I suppose, justified to himself by the Minister on the ground before alluded to, that this was in the nature of an impeachment, since it is well settled that not even dissolution, much less prorogation, abates an impeachment. That proposal was remarkable in another particular, for it indicates that then, at any rate, the Minister did not believe, or, if he did, chose to conceal his belief that the work of the Committee would necessarily be unfinished in May or June, the anticipated period of prorogation. The proposal was simply that "if need be," the Committee should sit after prorogation. Therefore, the work would possibly be finished, and would, of course, be commenced before prorogation. It is obvious enough that he did not then intend the House to understand that it was out of the question for the Committee to examine a single witness before prorogation. The motion was carried, and the Committee was forthwith struck according to the usual plan, by which each member gives a vote for one person as member of the Committee; and thus, of course, the Government secured a majority, having three votes to two

§

The Oaths Bill.

from the other side. Not long after the Committee had been organized, it recommended, in accordance with suggestions thrown out by both sides, the passage of what is known as the Oaths Bill. The Minister professed doubts as to the power of the Canadian Parliament to pass it; but upon that question he, at any rate, was committed. As leader of the House he had shortly before carried through Parliament, and placed on the statute book, an Act conferring upon the Senate, the other branch of the Legislature—that of which you, sir, are a distinguished ornament, the power of administering oaths at its bar. That measure is objectionable on precisely the same reasoning as that which has effected the disallowance of the Oaths Bill, and is defensible only on the same grounds on which the Oaths Bill may be defended. If one is contrary to the Constitution so also is the other. Yet, for that Bill, the Minister himself is specially responsible. His opinion then must have been that Parliament had the power to pass such an Act, or he was grossly derelict in his duty when he promoted its passage. Again, he was in other ways committed. In two of the Local Legislatures, those of Ontario and Quebec, measures were passed by which those Legislatures assumed to arrogate to themselves the powers, privileges, and immunities of the House of Commons of England, as they stood at the 1st of July, 1867. The Minister here and the law officers of the Crown in England all reported against these measures as being beyond the competence of the Local Legislatures. From that conclusion, the accuracy of which I never doubted, and which I had myself announced in the Legislature of Ontario, it plainly followed that the Local Legislatures were unable to take to themselves the powers, privileges, and immunities of the Canadian House of Commons, which were the same as those of the English House on 1st July, 1867. In conformity with that opinion, these acts were, under the advice of the first Minister, disallowed and struck off the statute books of the Provinces. The powers of the Local Legislatures in this particular having been thus determined to be more limited than those of the House of Commons of Canada, these same Legislatures nevertheless each thereafter passed an Act giving power to their committees to examine witnesses under oath. It is the duty of the Minister, as he has himself declared, to consider all acts of the Local Legislatures and to advise disallowance of such as are beyond their competence. He considered those acts, but did not advise their disallowance. He advised that they should be left to their operation, and they were so left. Upon this occasion, therefore, it is perfectly clear that the Minister must have been of opinion that the Local Legislatures, with fewer powers and privileges than the Parliament of Canada, had,

notwithstanding, the power to pass this very Oaths Bill, in respect to which he now professes to doubt the power of the Parliament of Canada itself. But whatever his doubts were, he overcame them. As leader of the Government it was his constitutional duty to see that no improper legislation passed the House, and as law adviser of the Crown, it was his special duty to advise the Governor with reference to each Act submitted for assent as to whether assent should be given or not. This measure he permitted to pass, and he recommended the assent, and so it became law; but not without delays in its progress, through your branch of the Legislature and subsequently. These delays had excited impatience both within and without the walls of

The Committee Ready for Work.

Parliament; and before the passage of the Bill, the Committee had summoned a large number of Mr. Huntington's witnesses, and had procured their attendance, I having announced that unless the Bill was assented to at once I would propose to the Committee to proceed forthwith under the existing law. On the day on which I was to make this motion we were informed that the Bill would be assented to on the Monday following, and we adjourned to the Tuesday, ordering the witnesses to be then once more in attendance for the commencement of the business, already too long deferred. The assent was given, and on the appointed day we met, the House and the public expecting that, at length, after so many preliminary

Systematic Procrastination.

difficulties, we were to be allowed to begin. During all this time no hint had been dropped of further obstacles—on the contrary the speeches of the Minister had all been in the opposite sense; but the evil day had come at last, and he was forced to develop those plans for still further delay which either originally or in the meantime had suggested themselves to his

The Absence of Witnesses Dodge.

fertile brain. He appeared before the Committee and announced the absence of three individuals—Sir George Cartier, Sir Hugh Allan, and Mr. Abbott—and that there was no expectation of their return until June; facts of which we had all been aware ever since the date of the original motion. He startled us by the statement that in their absence the Government felt it impossible that the Committee should proceed, and he requested an adjournment until the 2nd July, in order that Allan and Abbott, who he said were the only witnesses of the Government, might be present. He also threw out a proposal that the

The Secrecy Dodge.

Committee should be secret. A member of the Committee following almost immediately made a speech developing a striking coincidence with the views that had just been enunciated. He produced from his pocket and proposed certain resolutions carrying out these views. Against these resolutions Mr. Dorion and I voted, but they were carried over an amendment, proposed by Mr. Dorion, that Sir Francis Hincks, a witness summoned and then in attendance, should be called and examined. Well, sir, the resolutions were reported to the House, whose sanction was asked to them. A very strong feeling was developed immediately against the proposal that the Committee should be secret, a proposal which I do not hesitate to say was of a most scandalous character. The members of the administration and their friends have not unfrequently descanted, when it served their turn, on the purely judicial character of the investigation, and who, living in a free country, is ignorant of the fact that one of the greatest securities for the continuation of that freedom is the publicity of judicial proceedings? But, sir, that proposal shocked the sense of the House,

Inquiry Postponed by a Party Vote.

and it was withdrawn. The proposal for adjournment was debated on our side at any rate, the other side declining discussion, and relying on that power of numbers which enabled them, by a very considerable majority, to carry it. I never doubted that many gentlemen who voted for the adjournment did so conscientiously; I agreed that there were two

sides to that question, although my own view was strongly adverse to the proposal that the work should not commence till the 2nd of July. I was always of opinion that any witness wanted by the Government should be called, and that any adjournment necessary for that purpose should be granted, but I was not of opinion that there existed at that time, and under those circumstances, a case for postponing the commencement of the enquiry to the 2nd of July. The Minister had stated that the work would last from

The Real Motives of Postponement.

four to six weeks, and it was therefore plain that a very great mass of evidence would have to be taken. It was also plain that extreme inconvenience was likely to occur, if the House were not to sit while the Committee was sitting. This mistake, it was, from which all the other evils flowed; but for this mistake we should not have been here to-night, deploring baffled justice and violated right. The presence of the House was required, first, in order that the Committee might be able to apply to it for instruction and guidance, in case of any difficulty in the prosecution of the enquiry, and for the interposition of its authority to compel the attendance and the answering of witnesses; and secondly, in order to give the members of the House, who were to be the ultimate judges of the case, the opportunity of hearing and seeing for themselves the taking of the evidence. I should like to know whether any of you who have ever been suitors in a court would prefer that the evidence should be taken down in writing, in the absence of the judge or jury who were to decide upon a subsequent perusal of the evidence, or whether you would not prefer that the witnesses should be examined in the presence of the judge or jury. Are you not aware that the demeanour of the witness, his hesitation in answering, the difficulty in extracting replies, or, on the other hand, a suspicious fluency, that a hundred circumstances only perceptible to the man within sight and hearing of the witness—are most material, nay vital, to juries in coming to a conclusion as to the honesty, or the accuracy of the witness, and the weight to be given to his evidence. Therefore I felt that it was right that, if possible, every member of Parliament should be in court while the examination of witnesses was going on. There were several other reasons, but I will not now detain you by detailing them; suffice it to say that the proposals of the Government were adopted, and as a necessary consequence, in order to keep the Committee alive, it was arranged that the House should adjourn instead of being prorogued; but there was another reason, unsuspected by us, why it was important in the interest of the Government that the House should not be prorogued, but adjourned during the

The Allan-McMullen Corruption Papers.

enquiry. It has since transpired that the infamous Allan letters were in existence, in the hands of Mr. Starnes, on terms which were devised to keep them secret so long as the session should last, but to set them free after a prorogation; and who can doubt that the hope of the guilty men was that by arranging for the prosecution of the enquiry before prorogation, these documents might be kept concealed, and so the evidences of their guilt might be suppressed? But truth was to prevail! Mr. Huntington became aware of the existence and custody of these papers, and justly dreading their destruction, he took steps for securing

The Royal Commission Dodge.

them, to which I shall presently refer. During the various discussions which took place upon the enquiry, the First Minister had more than once indicated his preference of a Royal Commission to a Parliamentary Committee: but his suggestions were received with the most marked disapprobation in a House, which in nothing else had dared to disapprove of anything he said. No voice in Parliament, save his own, was ever raised in support of this proposal; and the gentleman who had taken the most active part amongst all his supporters during the whole session in sustaining his every view—the gentleman who argued for him the West Peterboro' case, who argued for him the Muskoka case—the gentleman who had never hesitated to come to the front on doubtful and desperate issues in other instances—I

mean the member for Cardwell—even he (though not till his leader had yielded) enunciated in the strongest way his disapproval of the plan of a Commission, adding that he would have declined to serve on a Royal Commission while the proper tribunal, a Committee, was available. The Minister, I say, yielded to this unanimous expression of opinion, and professed to abandon his idea of a Commission. Thus the House made choice in a most striking manner of a Committee in preference to a Commission, and to that view every single member was an assenting party. One alleged precedent alone did Sir John Macdonald cite in support of his proposal, namely, the Ceylon case. Mark, first of all, that this is no precedent for the issue of a Royal Commission without an address of the House, for the Commission issued in the Ceylon case was issued upon address. But I shall show you in a very few words that this precedent is wholly inapplicable. There had been an insurrection in Ceylon, in the suppression of which it was alleged that Lord Torrington and the local authorities had acted with great violence and brutality; and a select Committee was ordered to investigate these charges. The evidence was to be obtained principally from witnesses living in Ceylon, and owing to this difficulty the Committee did not get very far, and towards the close of the session recommended that a Royal Commission should issue to enquire on the spot into the circumstances connected with the suppression of the rebellion. That recommendation was declined by the House. Thereupon the Committee reported, recommending that it should be reappointed next session, and that means should be taken in the meantime for summoning witnesses from Ceylon. The Committee was re-appointed next session, and in the prosecution of the enquiry it appeared that a proclamation had been issued, purporting to be signed by Captain Watson, an officer serving in Ceylon, to the effect that any persons having in their possession or knowing the whereabouts of certain property, who did not deliver up or disclose the whereabouts of the property, should be killed, and their effects confiscated. Captain Watson, who happened to be in England, denied having signed this brutal proclamation. Certain evidence to the contrary having been tendered to the Committee, they decided not to enter into a question affecting the honour of an officer of Her Majesty's Army. Subsequently an address to the Crown was moved and agreed to without debate, for the issue of a Royal Commission, to enquire on the spot into the circumstances connected with the papers presented to the Committee under Captain Watson's signature. The Committee itself proceeded with the investigation of the charges referred to it, in which the Imperial Government was only indirectly concerned, through the suggestion that they had improperly approved of Lord Torrington's proceedings; but there was no hint of the Government being in anywise responsible in connection with the Watson proclamation. The Committee reported the result of its labors, and once more suggested a Royal Commission to the House for certain purposes, but no such Commission was ordered. In the third session, the House took up the question on the evidence reported by the Committee, and finally disposed of the charge against the Government. This is the history of the Ceylon case, and you will see that so far from its being a precedent for the enquiry by a Royal Commission into charges of high crimes and misdemeanors preferred against Ministers and members of the House, it furnishes precedents against that course, both by what was done and by what was declined. But the Ceylon case is a precedent upon another point upon which the Minister did not cite it. At the end of the session, during the absence of Mr. Dorion and myself, objection was taken for the first time to our presence as members of the Committee, upon the ground that our position in the House was such that we should have declined to serve—the Minister arguing that Mr. Disraeli would have scorned to serve on such a committee against Mr. Gladstone—and on the further ground that the speeches we had made in the House showed that the Government could not expect to get fair play from us. These are two separate points. Upon the first I will cite the Ceylon case. Mr. Disraeli, who was leading the Opposition, was an active member of that Committee, and in the House he moved motions, and made strong speeches on the subject. Now, here is a precedent against the Minister, furnished in the very case he cited, by the very person whom he cited. But of course the parallel would not have held. Neither my friend nor myself occupied the position attributed to us and which was occupied by Mr. Disraeli. Neither of us was leader of the Opposition in Parliament. That position was filled by my friend and colleague Mr. Mackenzie. You know, too, that the circumstances under which Mr. Dorion was elected were such as rendered him

least of all liable to any such charge. He had announced his retirement from public life and his determination not to seek re-election. He left for England on private business, declining to say that he would sit if elected; on the contrary, declaring that he must, in that event, resign, and refusing to comply with the request of his friends to leave behind him a declaration of qualification. During his absence his friends were determined that he should be re-elected, and they returned him to Parliament. On his arrival here he was overborne by the pressure of his friends, and took the seat so honourably provided for him. Was Mr. Dorion, having so come into Parliament, and standing, as I believe he did, and does, higher than any other man in the esteem and affection of the House, incapacitated by his position from giving a full and fair consideration to the matters coming before the Committee? Was he, of all men, to be bribed to injustice by the expectation of office? As to myself, you are perfectly aware that prior to the general election I announced to my friends that it was impossible for me, whatever might be the result of the election, to serve my country otherwise than in the ranks. During my absence in England, Sir John Macdonald and his friends made large use of the statement. They accepted it as true, and they drew from it the false and ungenerous inference that there was some split or difficulty between my friends and myself. That served their turn just then, but a little later, at the close of the session, though I had in the meantime unequivocally repeated my announcement, it suited the purpose of the Minister to allege that I too, as an aspirant for office, was incompetent to sit on the Committee. Sir, I had sat on Committees in which Ministers were deeply concerned before. I was the Chairman of Sir G. Cartier's Election Committee, and an active member of the Committee on the Allan MacNab purchase, and I appeal with confidence to the part I took in those investigations as proof of my desire to act fairly towards Ministers. As to the other charge, that my speeches during the session on this matter showed that the Government could not expect fair play from me, I shall not answer it save by a reference to the records; and I challenge Sir John Macdonald, his friends, followers, and satellites to point to a speech, a sentence, a word of mine, while a member of that Committee, which justifies the statement. But the truth is that at this time the Government saw that the matter was becoming very serious, and they were endeavoring to break the blow by assailing the adversary and finding cause of complaint against the Committee. Towards the close of

The Sealed Packet.

the session Mr. Huntington found that certain documentary evidence was in danger, and looking to the aspersions that had been cast upon him, and to the complaints which had been made of his former conduct, he proposed to prove to the House that he had cause for the motion he was about to make to instruct the Committee to impound these documents. He did not offer oral evidence, but he proposed to read the letters of Sir Hugh Allan, the very man whom the Government had described as their chief witness. The proposed explanation was defeated by the arbitrary conduct of the Speaker; but the temper that was evinced, the dismay exhibited, and the earnest desire shown to avoid these disclosures, convinced me, though at that time I did not know the contents of those letters, that there must be something there very unfortunate for Ministers. The motion was carried, Mr. Starnes was summoned, and the package was marked and left in his hands. Then came the last scene, in which the Government made an attempt, I think, of a most unfair character, to place their adversaries in the position of being apparently ungenerous to a departed foe, or of being untrue to their political principles and opinions of many years standing, and untrue, also, to the belief which they had expressed, that the pending charges deserved serious attention and searching investigation. The Government proposed that a public funeral should be given to Sir George Cartier, and that a monument should be erected at the public expense in honor of him whom they designated as a great statesman and an excellent man. One precedent there was for the proceeding, but it was emphatically the exception which proved the rule—the rule that no such honors

should be conferred on political characters. The motion was proposed in a thin house, and upon the last day of the session, and so these men carried a resolution decreeing a public monument to him on whose grave they are now engaged in heaping dirt. The only authoritative statement we have had from the Government as to the Pacific is one declaring that certain documents and arrangements were personal to Sir George Cartier, unknown to his colleagues, for which they decline responsibility, and the odium of which they seek to cast

The Disallowance Trick.

upon him alone. Well, Sir, upon the 2nd of July the Committee met, as it was hoped, for business; but, as usual, the Government was at work. The previous day, the anniversary of Confederation, our national holiday, these patriots had employed in issuing a Government proclamation disallowing the Oaths Bill. That disallowance was highly improper. The first Minister himself, in a memorandum prepared by him on the 8th of June, 1868, had accurately stated the rule as to interference by the Imperial Government with Colonial legislation. I will read his words:—"Of late years Her Majesty's Government has not, as a general rule, interfered with the legislation of Colonies having representative institutions and responsible Government, except in the cases specially mentioned in the instructions to the Governor, or in matters of Imperial and not merely local interest." Now, this matter is neither mentioned in the instructions to the Governor, nor is it a matter of Imperial or other than of merely local interest. The object was confessedly good, and if Parliament had not the power to pass it, no one will pretend that it should remain so powerless. The Imperial Government, therefore, acted in a most ill-advised manner in not leaving the Act to its operation. The question of its legality could have been decided in our courts, and could then have been brought before the highest tribunal open to us, the Judicial Committee of the Privy Council; but, instead of that, the Imperial Government, under the advice of the Law Officers of the Crown, not acting under the responsibility of Judges, and without that pre-requisite of just judgment, the argument of both sides, undertook to wipe this law out of our statute book. I call public attention to the observation I have just made, as bearing strongly on the degree of respect you are to bestow on these decisions of the Law Officers. None of you would be satisfied if, even in a trivial case, affecting his own interests, the question were merely stated to the judge, and decided by him without argument on either side. Our whole judicial system presupposes such argument as a condition of sound judgment. There is an ancient maxim of the law, as holy as it is ancient, which teaches that the judge who decides without hearing the other side, though he may have decided justly, has acted unjustly. Nevertheless, on such a decision, this great question is said to have been determined conclusively and for ever. But how different a course has been taken with reference to other Acts. I could easily point out several objectionable statutes on which this power was not exercised, and you will all remember an instance in which the Imperial power was used, not in disallowing, but in confirming by Imperial legislation an objectionable Act. The Act authorizing the Senate to administer oaths at its bar was left to its operation. But in this case, on which so much depended, instead of adopting the wiser, the more judicious and constitutional course which I have suggested, disallowance in the most rigorous form was adopted. But neither the views of the Law Officers of the Crown, nor the order of the Queen's Privy Council in England, made that law less operative than it was before. Its disallowance necessitated action upon this side of the water, and by the Constitutional Act the Governor-General had the right to take that action in one or two modes—either by proclamation, which he might issue at his convenience, or by message to the Parliament upon its first meeting. Had the latter alternative been adopted, the Committee could have proceeded with the examination and the subsequent disallowance on the meeting of Parliament, would not have interfered with the Committee's labours. This course might have been followed without any inconvenience, but the other course was recommended to the Governor, and the Act was disallowed by a proclamation framed by the

First Minister of Canada, and countersigned by him and the Secretary of State, issued on the day before the sitting of the Committee, and thus depriving it of the power with which it was before armed. Contrast this with the course taken upon another Act—the Act of the Ontario Legislature—giving an additional allowance to Superior Court Judges. That Act was condemned as beyond the powers of the Ontario Legislature by the Law Officers of the Crown in England and the First Minister of Canada. How did the Minister proceed in this case? Why, he reported to the Governor that the Act must be disallowed, unless the Legislature, at its next session, should repeal it. He advised the Governor not to disallow it immediately, but to leave it in the meantime, and it was left until the last day for disallowance, until the year's salaries had been paid under the Act, and then—at the latest possible moment the disallowance was accomplished. I leave it to you to guess why there was such a change of policy in the case of the Oaths Bill. Notwithstanding what had taken place, Mr. Dorion and myself were of opinion that the Committee could proceed. The Committee had been constituted without power to take evidence under oath, with instructions to enquire into this charge. After the passing of the Oaths Bill, which authorized Committee to take evidence under oath, in cases in which the House should have resolved that this was desirable, the Committee was instructed under the authority of the Act to take evidence upon oath; our opinion was that the instruction fell with the Act, upon which it was based. Our opinion also was that our major duty was the pursuit of the investigation, that what we were called upon to do was to make the enquiry by all lawful means in our power, and that by so doing we should best fulfil the orders of the House and the expectations of the country. That view, however, was over-ruled, and the Committee adjourned until the 13th August. We were offered a Royal Commission, which we declined, for reasons stated in letters written at the time, by which reasons we stand to-

The Prorogation.

day. I will discuss them shortly. It had now become obvious that there was a change in the situation. During the sitting of Parliament, and when the proposal was made that the Committee should meet on the 2nd of July, a statement had been made by the Minister that all the evidence would be taken and the report of the Committee prepared before the 13th of August, and that all the House would have to do would be to receive the report *pro forma*, and be prorogued. It has been said that this was agreed to by both sides of the House. I was not in the House at the time, but speaking from the reports and from the information given me by my friends, I say there was no such agreement; on the contrary, Mr. Holton pointed out to the Minister that he might not be in a position to advise a prorogation on the 13th of August, and subsequently Sir John said, that if it were true that they must have a quorum, he would be exceedingly happy to see Mr. Holton fill his place in the same health, with the same vigour, and with the same degree of combativeness as he displayed at that meeting. Mr. Holton was there, he was combative, and with good cause, but the enemy would not fight. But it was quite clear, that even had there been an understanding, it could not have been binding upon the House, which is, and must be, free as air to determine upon its course as the exigencies of the State may require. It was also clear that any such understanding must have been based upon the statement, supposed to be correct by all parties, that the Committee would have completed its labors, that the evidence would have been taken, that the work would have been done, and only the final judgment would remain to be disposed of at some future period. No man expected the prorogation to take place with the evidence untaken, with the materials for forming a judgment uncollected, with the work undone. The whole basis had vanished upon the 2nd of July, when the Committee was adjourned, and it follows that it was the bounden duty of those who had the power and responsibility of advising his Excellency to take immediate steps to meet the new exigency, and to arrange that Parliament should have an opportunity of deciding what should now be done. That the situation was changed has been practically confessed by Ministers themselves, for they have

themselves acknowledged that in consequence of the events since the adjournment, an October session has become necessary. Government should have made the necessary arrangements for the session on the 13th, being a business session; or if this session was peculiarly inconvenient for members, they should have arranged for an adjournment to a more suitable period, although I maintain that no consideration of private convenience should have any weight in the mind of a representative of the people, when compared to his paramount duty to the State in a tremendous crisis like the present. Although that was the obvious duty of the Government, it was equally obvious, from all the available sources of information, that they intended themselves to remove this cause from the Commons, to create some tribunal of their own devising, and to prevent the House from meeting for business this year; and so, tired of waiting, and taunted by the Ministerial press with having made baseless charges, Mr. Huntington authorized the publication of a portion of the evidence—only a portion, however, as I happen to know. The publication at once took possession of the public mind. It could not be slighted, for it consisted of the letters of Sir Hugh Allan, confessed to be authentic by that person, the chief witness for the Government, and the chief actor in the transaction; and it was hoped by some people, that the effect produced by the publication would lead the Government to change its views and adopt the policy I have indicated. But it is clear that the determination of the Government was different. The publication of the telegrams and requisitions for money showed that further fatal secrets were to be disclosed, and the desperate decision was confirmed to gag the Commons, to destroy the Committee, and to set up that mockery of justice which is shortly to be performed at Ottawa. It was announced that His Excellency would be absent from Ottawa, and that a Commission had been issued for the purpose of proroguing Parliament, as the affair would be purely formal. But, Sir, that announcement was contradicted by the event. His Excellency thought, and thought rightly, that his first and highest duty was to be personally present, and to assume, in his own proper person, the responsibility of whatever course he might determine upon under the circumstances. He was there; 130 members were there as well; and of the absentees a very great majority were quite accessible. All the representatives from Manitoba were there, and some twenty members from the distant Provinces of the Atlantic sea-board; and that the attendance was not still larger was due the fact that the Government did not ask any of their supporters to attend, and that to those who enquired of them whether their attendance was desired, a negative reply was returned. I say this with authority, because I have the best means of knowing

The Members Remonstrate.

its truth. Well, Sir, under these circumstances, close upon 100 members of Parliament met for consultation, and they deemed the situation so alarming, and the crisis so unexampled, everything indicating an immediate prorogation, as to warrant the determination—since they were not likely to have an opportunity, in a strictly Parliamentary way, upon the floor of the House, of advising His Excellency on the question of prorogation or adjournment, or of deciding what order should be taken for the prosecution of the enquiry—that their sentiments should be placed on record, and that His Excellency should be approached in the only way which his Ministers had left open for approach. They signed and forwarded to His Excellency a respectful, temperate, firm representation, stating that to prorogue Parliament without giving it the opportunity of taking order for the prosecution of the enquiry, would create intense dissatisfaction in the country. That document, which only repeated views enunciated by thousands of petitions already before His Excellency, was adopted by more members than would have made a majority on any division during the session; 183 men having voted on the largest division, 92 may be fairly said to be a majority in a full House. The Government advised His Excellency to reject that appeal, to prorogue the House, and to issue a Commission, and he agreed to follow their advice. He answered those who had made the representation, as to manner graciously indeed, for the manner was his own; but

as to matter most unhappily; the matter was his Ministers'. I suppose that the reasonings even of a Viceroy are not free from criticism, but had these been the reasonings of the Viceroy himself, I confess I should have felt some embarrassment in the choice of an epithet with which to characterize them. I could not call them puerile, because Lord Dufferin is a mature statesman; I could not call them disingenuous because Lord Dufferin is an honorable man; and I would have been inclined to abandon in despair the search for an adjective which might fit at once my sense of the proprieties and my conviction of the truth. But I am relieved from any such embarrassment. These are the arguments on which his Ministers advised him to the course he took; these are the reasons which they advised him to offer to the memorialists and the public as the justification of the course they recommended; and I can have no hesitation in dealing, fairly I trust, yet firmly and freely, with the argument. What then do these men advise the chief of the State to say. First, they say that because the signatures do not constitute a numerical majority of the whole House, therefore His Excellency has no assurance that they represent the feeling of Parliament. That, sir, is true in the letter, but false in the spirit; for the reason already given that the number was a practical majority of the House; and for the further reason that the views of the House had already, during that session, been plainly indicated by its unanimous resolution that this matter should be prosecuted by itself through the medium of its select Committee. Repeated and anxious debates had taken place as to the mode of the enquiry, and as to the securities for its being thorough and exhaustive. So there was the best possible means for knowing that the feeling of the Commons was that the enquiry should be conducted by a Parliamentary Committee, and certainly the signatures of so many members to the representation, afforded good ground for that which, even in the absence of any evidence, was the only fair conclusion, namely, that the Commons had not changed its mind; nor was there the shadow of a foundation for the notion that the House was prepared to reverse its decision, to dissolve its Committee, to abandon the duty it had undertaken, and to leave to others the determination whether there should be an enquiry and what sort of enquiry there should be. Again, remember that these signatories did not venture to say that any particular course would be taken by Parliament. They simply advised His Excellency to give the House an opportunity of telling him what it should determine. There was no dictation as the course of the House; there was only the assertion that the House desired to deliberate and decide on a course to be taken; and who can doubt that this was, as it ought to have been, the desire of the House? Let me now turn to the second argument adduced. These men, these incriminated Ministers, advised His Excellency to say that to accede to the representation would be—what? Why, to declare them guilty of the crimes which were charged against them? What said the representation? That there would be dissatisfaction unless Parliament were permitted to take order for the trial of the charges; and the argument is, that to accede to this request is to agree that the charges are proved; that the accused are guilty; and so, of course, to dispense with the trial altogether. Sir, for such an argument, the words puerile and disingenuous are the fittest epithets I know. Well, Sir, again they advise His Excellency to say that his difficulties would disappear if their could be a call of the House, but that this was impossible. Why impossible? The impossibilities are said to be physical—the great distances and the fact of the alleged understanding as to prorogation; but these, Sir, are difficulties which extend only to the time of the call. They are not difficulties in the way

Adjournment the Alternative.

of adjournment. They are not difficulties to be solved only by prorogation. They are simply objections, which are to be met by fixing for the adjourned session a convenient time, having regard to the expressed views of all parties that the enquiry should be prosecuted at the earliest possible moment. An adjournment might have taken place even to the day named by His Excellency for the new session, although I should have

thought that a long time. The middle of October he named as the period for the new session, to which the faith of the Crown is pledged; and had a proposal for adjournment been made, I am able confidently to affirm that no objection would have been raised. Those who are responsible for the management of the Opposition in Parliament, felt it their duty on this occasion to assemble early at the capital, and calmly to deliberate and take counsel together as to their course under various contingencies. They thought from the language of the Ministers and their organs, that the absence of Ministerialists would be alleged as rendering it unfair to proceed at once with business, and the unanimous decision arrived at was, that while they felt Ministers had disregarded their obvious duty in not having their supporters there, and being ready to proceed, they should not stand upon that for an instant, but should say, "Throwing upon you the responsibility of sending back to their homes one hundred and thirty members, we agree to your proposal for an adjournment, and leave you to name the day when we shall meet in order to resume the discussion of this question." That would have been the attitude of the Opposition upon the point of adjournment. His Excellency has said that the question before him was one of very great difficulty and embarrassment. Where the chief of the State so expresses himself, and where there is not, as here there is not, the slightest imputation of partizanship or of designed leaning to either side, I agree that his decision is to be canvassed with tenderness and respect; but, Sir, while that is the duty we owe to the Chief of the State, to the State herself we owe a higher duty still. And while I declined on a former occasion—at the time when the determination of His Excellency was made known—to say a single word upon that subject, confining myself then to what is the main and substantial issue here, the advice given by his Ministers, upon which he acted, and for which they are responsible, I do not feel at liberty to let this occasion pass without saying a word or two upon what my reading of the Constitution would lead me to believe was the true duty of His Excellency in such a crisis. My belief is that the spirit of the Constitution, properly interpreted would have led him to say to his Ministers, "As your supporters are not here, ask for an adjournment; if you please, I will do that which is not without precedent, I will send down a message requesting an adjournment; but either with or without a message ask an adjournment. Take what time is necessary, name the earliest convenient day, and if the House declines to accede to the request, then in order to place you in the same position which you would occupy if an adjournment had been granted, I will give you a prorogation, and will call a new session for the day named; but further than this I decline to interfere with Parliament." My belief is that this course would have given to Ministers every advantage in the way of their followers being present, and to the absent members every advantage in the way of facilitating their attendance in Parliament, which the course pursued has given, and that it would have possessed these enormous advantages, that Parliament would be left undisturbed in the prosecution of the great enquiry, that the committee would not be destroyed by the prorogation, and that the conduct of the case would not be wrested from Parliament, in order to hand it over to others named by the accused. I have every respect, Sir, for the doctrine that the Governor is as a rule to be guided by the advice of his responsible Ministers; but there can be no doubt that the prerogative of the Crown may, and should, be exercised under certain circumstances against that advice. The constitutional doctrine on some aspects of the cognate question of dissolution is well settled. A Ministry defeated at an early period, in a House elected under its own auspices, has no right to another dissolution, and the constitutional rule is that advice to dissolve under such circumstances should be refused. On the other hand, a Ministry formed out of a House which has been elected under the influence of the opposite party, is, as a general rule, entitled to advise a dissolution, and such advice ought to be followed. I do not say you can find the line so clearly laid down for the present case, but I do say that on principle and analogy,

Vitiated Counsel.

this was a case for refusing the advice to prorogue. Mark that it was, upon the advice of incriminated Ministers, against whom the House of Commons had commenced a process, which process was pending; of incriminated Ministers, against whom a case had been made, which they themselves acknowledged requires explanation, that the Governor was asked to take a step which would destroy the process, which would nullify the proceedings, which would deprive him of the advice and counsel of his Parliament, and leave him under the control, or the advice at any rate, of those Ministers, upon a subject so materially affecting their fortunes and their life. Mark, too, that the consequence of his refusing that advice would be simply this: he would have said to the Parliament and the people, "Gentlemen, I could not, under the circumstances, reverse the determination arrived at by the House of Commons, that a Committee of that House should prosecute this matter; I could not, under the circumstances, decline to be advised by my Parliament. I felt that it was a case in which my Parliament ought to decide what was to be done, and I have declined to be advised to dismiss you. I could not hesitate which the choice was between my free Parliament and my inculpated Ministers. I have elected to take the responsibility of what?—of keeping around me at this critical emergency the great Council of the nation; and when an issue is pending between the Commons of Canada and my Ministers, of keeping intact the power of the Commons, and taking their advice as to the extent to which my Ministers shall be allowed to interfere with the conduct of the enquiry." Can you doubt what the answer of the Parliament and the people of Canada, of any man with a spark of freedom and patriotism in his bosom—would have been to an appeal like that? From one end to the other of the Dominion, I venture to say it would have been affirmed that the position was unassailable, that it was a just and proper use of the prerogative to keep Parliament together, and to seek its advice in the emergency, and that His Excellency should be sustained. That determination would have been entirely in favor of popular rights, and the people would have joyfully recognized the use of the prerogative in the people's favor. Talk of the advice of responsible Ministers! Sir, it is absurd to apply these high sounding words to the matter on hand. On the plainest and most ordinary principles, it is only in the case of overruling necessity, where there is no other possible alternative, that the advice of anyone, as man or Minister, is to be taken on a matter in which his personal interests are at stake, and may obviously be opposed to the interests of the State in whose name he professes to advise. Here there was no such overruling necessity, there was a very obvious alternative. His Excellency had his choice between taking the advice of the Ministers and taking the advice of the Commons. He should have declared his Ministers incompetent to advise him in their own case to dismiss the Commons, and he should have resorted to the latter for that counsel which they would have been prepared to give. Although my opinion is, that the true spirit of the Constitution points to a conclusion opposite to that at which the Governor arrived, yet that, after all, is not the main issue before us, because His Excellency, by accepting the advice tendered to him, has placed the responsibility of that advice upon his Ministers, and they must bear that intolerable burden. And if it was, as His Excellency has stated, a serious and embarrassing situation in which he stood, when he was called upon to decide whether he should act under or against the advice of his Ministers, who can doubt what the situation is of the Ministers who have so advised him—of the Ministers who have advised him to dismiss Parliament, to annul what Parliament had done, and to form for the prosecution of this enquiry new machinery—machinery of which Parliament had disapproved, and which I hope, believe, and trust, at no distant day, Parliament will unequivocally condemn.

Judging Themselves.

But, sir, his Ministers advised his Excellency to go further; they put in his mouth an opinion on the present state of the case upon the evidence already given, and I commend it

to those, few in number and insignificant in importance, who yet affirm that there has been no evidence to touch the Ministers at all. It is not a cheering expression of opinion, coming from the lips of the accused; it is not at all cheering when we consider that it is the judgment of those who are themselves upon their trial. Listen to a few of the words:—"The charges," His Excellency is advised to say, "require the most searching investigation;" "the correspondence has produced a painful impression upon the public mind;" and "certain documents have appeared in connection with these matters of very grave significance," in regard to which "the fullest explanations must be given." That is the statement they have put into the mouth of His Excellency with regard to their present position. "The fullest explanations must be given." Given by whom? Given by the men who wrote them, and signed them, and are responsible for them! I trust the day will shortly come for the giving of these explanations; I may not say I hope they will be, because I know they cannot be, satisfactory. But Ministers add a saving clause. They say—"no proof has yet been produced which necessarily connects these papers with the culpable transactions of which it is asserted they form a part, however objectionable they may appear in juxtaposition with the correspondence." That is the saving clause. It is perhaps not as decided as the Ministers would have liked to make it, but dubious as it is, I object to it. I declare that if the documents are genuine—and they appear to be admitted as genuine by this State paper—they conclusively establish the guilt of the Ministers. They conclusively establish that Ministers with one hand were signing assurances for the giving of this contract to Sir Hugh Allan, while they were signing with the other hand requisitions for money to be paid by Sir Hugh, receiving that money, and distributing it to corrupt the electors of this country. That is what is established by these documents, and I know of no evidence which is required in order to bring the conviction to any honest, unprejudiced mind, that these transactions had a connection. I repel with indignation—I cannot seriously argue—the absurd idea that while Ministers were bargaining with Sir Hugh Allan about the contract, the other transaction, which was then going on, was entirely kept apart; that the right hand was ignorant of what the left was doing. Now, sir, in order that we may fairly estimate the enormity of the public crime which has been committed in advising prorogation, it will be useful to enquire why it is that an impeachment, the procedure with which this enquiry is in substance identical, is not abated by a prorogation, or even a dissolution of Parliament, but stands in just the same position when Parliament resumes as before the prorogation or dissolution of the House? Why, it is for this reason, that the security of the Crown and the security of the people alike demand that the prerogative of the Crown should not include the power in any way to influence an impeachment. The rule and its reasons were fully established in the course of the impeachment of Warren Hastings, and largely on the argument of William Pitt, who demonstrated that it was for the security of the Crown, because otherwise the Crown might be advised by Ministers, against whom, or against whose influential friends an impeachment was depending, to make use of the prerogative for the purpose of baffling the process, a course which would result in the alienation of the affections of the people, which constitute the secure foundation of the English throne. Just because impeached Ministers would, when guilty, inevitably advise the Crown to prorogue or dissolve, if the effect of such an act would be to abate their impeachment—just because it was impossible that under such circumstances the impeached Ministers could faithfully advise the Crown, it was determined that their advice, if followed, should not be operative to

Reasons against Prorogation.

abate the impeachment; and so the Crown was rescued from a position of difficulty and danger. The security of the people, too, required this limitation; and for the same obvious reason, namely, that the exercise of this prerogative by the Crown on the advice of impeached Ministers would render it utterly impossible to bring great offenders against the State to justice. Impunity produces crime; and so the safety of the people and the security of the

Crown were alike subverted by this limitation of the prerogative. Now the proceeding against the Canadian Ministry is accepted on all hands to be substantially an impeachment; not technically so, it is true, in consequence of the defects of the Constitution; but the technical difference leaves untouched the great considerations of policy which we have been discussing, and which apply to this proceeding. Let us apply them. They teach us that the enquiry should not be broken up by a prorogation; and as the Committee would be dissolved by the prorogation, the result is necessarily that the prorogation should not have taken place. Every argument which is used against a prorogation abating an impeachment in England, is an argument against proroguing in Canada, pending the enquiry, the result being just that which is condemned in England. In England the prerogative is limited, so that it cannot do the mischief; here it does the mischief, and therefore it ought not be used. There was another reason for Parliament not being prorogued at that moment. Sir Hugh Hugh Allan has been in England. He has, we are told, made conditional arrangements by which, under certain modifications of the Charter, he may be able to sell the Company's bonds. We read in the Ministerial organs a few days ago that there was a meeting of the Pacific Railway Company at Ottawa with the view of arranging terms, and of submitting them to the Government of the day. Now I hope we all agree that, whatever be the fate of the charges against the Government, or of the Government itself, Sir Hugh Allan must not continue at the head of that enterprise. I trust no one will say that the man who has brought—whether his letters be true or false—the profoundest humiliation on this country should be allowed to retain a position, the most important and influential which exists in the community. The President of this great Company, the controller of its enormous interests, will occupy a position predominant in this country for many years. Sir Hugh has injured Canada more than I should have supposed a few months ago Canada could be injured by any one man. What position do we occupy to-day in relation to the people of the United States? We have been accustomed to pride ourselves on the comparative elevation of Canadian morals, and the comparative purity of Canadian politics. We can do so no longer. With these letters before us, we cannot refuse to believe that this man expended and found persons to receive enormous sums for purposes which would not bear the light; we are a humiliated people, and he is one of the chief authors of our shame. Under these circumstances, an important duty of Parliament was and will be at the earliest moment to see that no further stipulations are entered into, and that no further arrangements are made with regard to the charter; and yet for all we know, even now, the Government may be engaged in further complicating our rights. Under all the circumstances I, for my part, can attribute the prorogation of Parliament to nothing but the desperate view that the position of the Government, being the worst conceivable, it was in the turn of events that time might mend it. But, of course, it was necessary to preserve some slight appearance of fair dealing and to resort to some device which might appear to excuse the delay, and it was also necessary to withdraw from Parliament, as far as possible, the control of the enquiry, which would only be done by providing some other tribunal. It was not sufficient to have a Committee of which three out of five were selected by the Ministers; it was necessary that every single one of the persons who were to conduct the enquiry should be nominees of the Government. So it was determined that a Royal Commission should be issued. Ministers knew perfectly well that neither Mr. Dorion nor I could accept such a Commission, that Parliament had refused to assent to it; they knew from the members' protest our public attitude; they knew from the beginning that it was impossible for the Opposition, without violating the principles they had laid down, to recognize their tribunal. But it was thought some cry could be raised and some feeble attempt made to keep up appearances, which might

Plausible Pretences.

be successful for a time. What was the pretence? There was but one pretence—the disallowance of the Oaths Bill. Now there have been pointed out several parliamentary modes

by which the oath may be administered. I shall refer to one only, that which at the moment commends itself most to my judgment. It is the proposal that an Act should be passed authorizing certain named persons, members of the Committee or others, to administer on oath. This would, in fact, constitute a parliamentary as distinguished from a Royal Commission. Many years ago, by such an Act in England, there was established a Commission of Inquiry into alleged abuses in the navy. The Commissioners named in the Act, which required them to examine witnesses on oath and to report to the Speaker, made that famous report which contained the charges upon which Henry Dundas, then Lord Melville, was dismissed from his office, removed from the Privy Council, and afterwards impeached. So here is a precedent, and it is the one which seems most suitable for adoption, in order to secure the taking of the evidence under oath. Now, this plan alone, leaving out all the others which are open to us, and assuming what I am not prepared to admit, that the House of Commons has not itself the disputed power, disposes entirely of the disingenuous argument that the Royal Commission was necessary to obtain the oath. But this further observation is also to be made, that if a Royal Commission were the only course, there is no reason why it should not have been a Commission of members, named by the House and issued on an address by the House. That plan I do not myself recommend, but there can be no doubt of its infinite superiority to the plan adopted of defying Parliament, and refusing to take its advice altogether. Parliament might not have acted wisely in passing such an address, but at any rate it could not complain that by acting on the address the Crown had wrested from it any of its privileges. Besides, if the Ceylon case were applicable, it is itself a precedent for a Commission upon address; but by no means authorizes the Crown to take the affair into its own hands without any signification of the will of the Commons. Under any circumstances, even supposing that the only alternative was that the enquiry should take place without the oath, the House should clearly have had the opportunity of deciding whether it would act by Committee or Commission, and should have been spared the outrage inflicted upon it by the exercise of the prerogative. To the Commons, from time immemorial, has belonged the right to institute, prosecute, and control proceedings for the impeachment of Ministers and others charged with high offences against the State, and for enquiry into charges affecting the honor and independence of own members. Nobody denies this fundamental doctrine. It is one of the greatest securities for liberty, that the people's representatives, responsible directly to them, and liable to be by them dismissed in case they fall in their duty, should have this exclusive right, and be charged with this solemn responsibility, thus preventing those who act as advisers of the Crown from giving that ill advice by which they and their friends may be sheltered from justice. Let me trouble you with a short quotation which very aptly enunciates the views expressed by the House of Commons at a very early date, and retained by it to the present day. Solicitor-General Lechmere, in 1715, on the impeachment of the rebel Lords, used this language:—"The Commons of England would not permit the fate of those prosecutions to depend on the care or skill of those who are versed in the ordinary forms of justice. No instance ever has arisen in English history, where our ancestors have permitted a prosecution against the chief offender to be carried anywhere but in full Parliament. In justice to the King, as well as to the people, we ought to take this into our own hands and not to entrust it to any other body. It was the greatest ease, security and support of the Crown, that no power should be lodged here to prevent the Commons from examining into the offence, or to defeat the judgment given in full Parliament. And he took it to be the greatest advantage to the Crown that the Constitution of the Kingdom had not, he thought, invested it with such power; and, on the other hand, such a power was utterly inconsistent with the fundamental rights of Parliament." And mark this, that the fuller the development of the doctrine of responsible Government the completer the control by Ministers over the prerogative, the narrower the discretion accorded to the chief of the State independently of his Ministers, the more apparent becomes the

necessity of treating as an exception to the general rule an occasion when the personal position of the Minister conflicts with the public interest, and renders him incompetent to give disinterested advice. The prerogative of the Crown is now said to be the property of the Minister—the property of the unimpeached Minister perhaps, but surely not the instrument whereby the impeached Ministers is to thwart justice, and to violate the fundamental right, of the Commons to control enquiry into such high offences. Sir, the interference of any other court of justice in the land with the high court of Parliament, even though that other court be established by Act of Parliament, is well settled to be a “a high contempt.” Parliament has got, and Parliament must be allowed to keep, undisturbed hold of the great

Unparalleled Audacity.

cause. For the accused Ministers, while Parliament is actually engaged in the prosecution of the cause, to turn it out of doors, in order that the trial may cease, and then, forsooth, to say Parliament can do no more, the Committee is dissolved, there is an end of the investigation, we have no alternative now but to take the control into our own hands—was ever such a spectacle presented since English history began? No, Sir, I defy those who search even into the dark ages, unless perhaps they look to the evil days which preceded the great rebellion, I defy them to find anything approaching the audacity of this procedure of Ministers in breaking up their trial, while actually progressing in the proper form, and on the same day creating a tribunal to suit themselves for their own prosecution. The appointment of this Commission is a high contempt of Parliament, and you are not to listen to those who tell you that the privileges and rights of Parliament are not important to you. The privileges of Parliament are the privileges of the people and the rights of Parliament are the rights of the people. It is for those rights and in those interests alone that we strive to-day. We are not separate from you; from you we spring, to you we return; in your interests and your name alone we speak and act, and it is for your rights that we are now contending. Besides being such a breach of the privileges of Parliament in the general this Commission is a gross and and glaring breach in the particular of its most important privilege—the freedom of speech, and of debates and proceedings in the House. Sir, who is there that does not know that freedom of speech is liberty? Not the greatest security for liberty—it is liberty itself. Freedom of speech!—give me freedom of speech for a people and I will undertake that this freedom shall secure for them every other freedom—freedom of life, freedom of person, and freedom of property. It is by virtue of that right, not yet—thank God!—annulled in Canada, that I am here to-night and, it is by virtue of that privilege that I expect when Parliament meets again that we shall stand approved before the people and the people's representatives. Sir, this charge was made by my honorable friend in his capacity as a representative of the people on the floor of the House of Commons, admittedly, in the proper place, and in proper language, and followed by the proper motion. That language of his, that resolution of his, that proceeding of his, is not, and cannot be cognizable in any other court or place in this country. We can discuss it at public meetings, we can invoke public opinion upon it, but no tribunal in Canada already in existence, or which can be devised by the Crown, has the right to enquire into the matter, or to investigate whether the charge be true or false. The very instant the contrary is determined, that very instant the British Constitution is changed—that very instant the security that you have for liberty is gone; because this security depends upon the absolute immunity of the people's representatives from discussion by any tribunal outside of Parliament of any words by them spoken in Parliament. Sir, in the hey-day of freedom will you abandon the securities for liberty? If you do, I know not how soon you may fall upon evil days in which, deprived of those securities, your liberty may be taken from you. I say to you that, at this instant, by the unconstitutional acts of the present Administration, the Government of this country has been seized into their hands; that at this moment, by their act of

prorogation, they have substituted an arbitrary and tyrannical Government by the Cabinet, for the Parliamentary and popular Government which we have hitherto enjoyed. Let us not forget the history of the past; let us not forget what has been said, and done, and suffered in order to secure for you the liberty which the Commission impeaches. Look at its language. It recites that Lucius Seth Huntington, a member of Parliament, in his place in the House made certain charges against Ministers, and moved for a Committee—that the Crown has appointed Commissioners to enquire into and take evidence, and report their opinions upon the charges so made, and forthwith these Commissioners proceed to write to the member of Parliament who, in the discharge of his duty, had taken this stand, telling him that they, forsooth, had been authorized to enquire into it, and calling upon him to give a list of his witnesses, and to appear before them at the time and place they appoint—desecrating by that appointment the people's House—there to answer and there to make good his charge. I see in the Ministerial prints that in effect he is upon his defence, and that the question really to be investigated is how in the world these honest and honorable transactions—which all these Ministerial gentlemen are so glad came to light—did come to light? The question is, who got the letters, who got the telegrams, and how in the world did so much hidden virtue see the day? Well, sir, let us refer to one ex-

Sir John Eliot.

ample in English history. One of the noblest, I will not say the noblest, for there are so many noble men in English history, but one of the noblest of them all, was Sir John Eliot. He was the leader of the popular party in Parliament in the evil days of the first Charles. He alleged in Parliament that the Council and Judges had conspired to trample under foot the liberties of the subject. This charge, in general terms, another member of Parliament has recently made. It is the essence of the charge made by Mr. Huntington lately, that the liberties of the subject had been conspired against and trampled under foot by Ministers. Well, Sir, Parliament was dissolved, and after dissolution an information was laid in the King's Bench by the King's Attorney-General against this man for the charge so made. He pleaded to the jurisdiction, alleging that in Parliament alone could his words be noticed; and to show you that I do not over-estimate the importance of the question, let me recall the words in which the great historian, Hallam, describes the issue:—"This brought forward, says Hallam, 'the great question of privilege, on which the power of the House of Commons, and consequently the character of the English Constitution, seemed evidently to depend.' The character of the English Constitution evidently depended upon the question whether a charge made by a member in Parliament could be taken cognizance of by any other Court. Well, the King's judges decided for the King, and ordered that Sir John Eliot should pay a fine of £2,000, and be confined in prison until he made his submission to the King. He who had occupied the highest positions, who was the leader of the popular party in Parliament, and filled the important post of Vice-Admiral, was imprisoned in the Tower. At any moment, on making his humble submission, he would have been released by the King. Had a Parliament been called, he would have been released by Parliament. In those bad days Parliament was not annually convoked, and was sometimes also very suddenly prorogued, and so, unable to ask redress from the people, or to obtain justice from the Crown, he lingered in the gaol. Let me read to you some affecting words, in which, during that close confinement which was wearing out his life, he describes to you his sufferings:—"To be made poor and naked; to be imprisoned and restrained; nay, not to be at all; not to have the proper use of anything; not to have the knowledge of society; not to have being or existence; his faculties confiscated; his friends debarred his presence; himself deprived the world; I will not tell you all this, suffered, in your service, for you, your children, and posterity, to preserve your rights and liberties, that as they were the inheritance of your fathers, from you they might descend to your sons." Towards the end of his life he wrote these lines to the famous John Hampden:—

"My lodgings are removed, and I am now where candlelight may be suffered, but scarce fire. I hope you will think that this exchange of places makes not a change of mind. The same protection is still with me, and the same confidence, and these things can have end by Him that gives them being. None but my servants, hardly my sons, have admittance to me. My friends I must desire for their own sakes to forbear coming to the Tower."

A Suffering Patriot.

He was in the prime of life, not yet 41 years old, but the close confinement brought on consumption. His physicians advised that to remain was death, and that to be enlarged for a time was probably life. He sent in a petition to the King, stating what his physician advised, and requesting enlargement. The King answered that it was not humble enough. He then sent a second petition. It is short, let me read it:—"Sir, I am heartily sorry I have displeased your Majesty, and having so said do humbly beseech you, once again, to set me at liberty, that when I have recovered again I may return back to my prison, there to undergo such punishment as God hath allotted to me." He was told that it was not humble enough. He did not petition again. Being very near his end, he caused a picture to be made of his attenuated form, and directed it to be hung upon the walls at Port Eliot, in order that it might be preserved in his family "as a perpetual memorial of his hatred of tyranny," and there it still hangs beside another one of the great leader of the Commons, taken shortly before in the pride of his strength and vigor. The contrast is one of the most affecting spectacles which any man can witness. Soon after, of that imprisonment, he died. His son humbly petitioned that he might have his body to be buried in his Cornish home. The ruthless King replied, "Let the body of Sir John Eliot be buried in the church of that parish wherein he died," and he was buried in the Tower. No stone marks his grave, but it has been well said that "while freedom subsists in England he will not want a monument." When next the necessities of the King drove him to call a Parliament, one of the first acts of the Commons was to declare the judgment against Eliot illegal, and a high breach of the privileges of Parliament. Subsequently, that judgment was brought up in the House of Lords, and was by them, as the Supreme Court of Judicature, reversed as illegal and void; and at a later date, at the day of the re-settlement of the British Constitution in our present charter, the Bill of Rights, an express declaration was inserted in these words, "that the freedom of speech and debate or proceedings in Parliament ought not to be impeached or questioned in any Court or place out of Parliament." That solemn declaration had been affirmed by many precedents; it was sanctified by that martyr's blood, and it is this privilege and right, the violation of which you are now called upon to sanction or condemn. Are we the worthy sons of such sires as these? Have we brought to this side of the world the true notions of English liberty, or are we in these palmy days of freedom to forget what were the trials, what the expenditure of time and pains, of blood and treasure, by which our ancestors secured those jewels which we are now told are trifles to be flung away? Sir, I recall to you the position in those days of old London, the city after which yours is named. During those troublous times, when the King tried to arrest the five members, Parliament was practically turned out of its house by the advent of the King in person to seek the objects of his wrath. Then the city of London was found to be the guardian and protector of the peoples' liberties. In the ancient City Hall, Parliament assembled and deliberated under the guard of the city trainbands. Thus old London bore a prominent part in making that struggle a successful one, and I believe that as you have brought to this land the name, so you will preserve the traditions of that famous city, and that you will be amongst the foremost to rise up against the infamous attempt which has in

Parliamentary Security Violated.

these latter days been made to violate your sacred rights. Sir, I do not pretend for a moment that these Royal Commissioners design to punish, or could punish Mr. Huntington

for the words he uttered in Parliament, but I point out to you that the principle upon which the Commission is issued is utterly incompatible with his security, or that of any other of your representatives. The principle violated by the Commission is that no tribunal can be constituted which shall take any cognizance, which shall know aught of what transpires in Parliament, that the House alone can deal with what its members say. If you allow the violation of that principle by the creation of a tribunal permitted, nay required, to take such cognizance, how shall you fall back on the old and sacred rule, when the dark days come, as come they surely will, if you permit the jewels of liberty to be wrested from you? But the Commission is, upon other grounds, in my judgment, illegal and void. In the first place it is contrary to the fundamental principles of justice, that either the accusers or the accused should have the creation or control of the tribunal which is to do any material thing in the trial. That commends itself to every man. Everyone feels that it would be monstrous that he should himself be tried, or that anything important with reference to his trial, should be done by a body of men all chosen by his accusers. Which of us, in any private contention, would agree that the other party should name the persons who were to take and report on the evidence? Would not each of us say, "No, it is an unfair advantage; let us agree; let one of us name one party, and the other name another, and let us or they agree upon a third. I cannot consent that either of us should have the exclusive nomination of the persons who are to perform such an important duty." But it is said that this is not a material thing; it is said, to be simply a recording of evidence. Do not be led away by any such fallacy as that. I tell you that the questions which will arise before the tribunal, however and whenever constituted, as to the limitations of this enquiry, as to the order in which the witnesses shall be called, as to the mode in which they shall be examined, as to the character of the answers which shall be accepted as satisfactory, are of the essence of the great cause. I tell you, so strong is my conviction on this point, that I decided if the Committee, of which I was a member, had been turned by the House into a close Committee, so that I should not have had the protection of public opinion and the light of day, to decline to sit upon it an hour longer. That was not because publicity alone would be a sufficient protection, but because it would be a partial guard. at any rate, against extreme injustice being done by the majority to the minority. If there was that risk of injustice with the Committee, where both sides were represented, though unequally, has the risk ceased with the Commission, which represents one side alone? Why, Sir, the whole foundation of our system of justice is subverted; the jury system is subverted; and the right of challenge is destroyed by allowing one of the parties to name the persons who shall be judges of the fact and of the law! What reason, what justice is there in it? Does it not shock every honest mind that one of the parties to the cause should have the power of appointing the Commission charged with the trial and judgment of the cause? The Commission is given the same powers as were proposed to the Committee. We were told, while that Committee was going on, that we had most important powers, that we were the judges, that some of us were utterly unfit to sit there, and could not do our duty because we were anxious to get office, forsooth! We were not told, however, that the chairman was unfit because — because he had happened to receive some of the money; but that was not generally known just then. However, Sir, those men who criticised our position as Committee men, asserted that our duty was very important, and by necessary consequence must admit that the duty of the Commission is equally important. Now, Sir, there is yet more—this Commission is authorised to report its opinions upon this matter, and the Commissioners themselves in the Chairman's letter to Mr. Huntington, have expressly stated that they are "to enquire into and report upon the matters stated in his

Whitewashing Wanted.

resolution." The obvious design is to obtain a whitewashing report from this Commission, and afterwards to call together Parliament and say to it, "These gentlemen heard the

evidence ; they saw the witnesses, and knew exactly what degree of credibility was to be attached to each ; you did not see them, and you could not judge who told the truth. Will you not accept their opinion ? Who so qualified to judge as the persons who heard the evidence ?" These are the arguments that will be addressed to the House. I fully recognize the advantage to the judges of being present when the enquiry is going on. I always argued that it should be conducted while Parliament was sitting, so that members could see and hear the witnesses, and, for my part, I decline to accept a Commission which the accused has appointed, which is itself to determine the limits of the enquiry, to decide on the credibility of the witnesses and the weight of the evidence, and to report on the truth or falsehood of the charges. Remember again, that those who talk so much to you about oaths and the superiority of judges over a Parliamentary Committee, lose sight of the fact that, while the Constitution provides a security that the judge shall do fairly his judicial work, in that he is sworn to do it honestly and fearlessly without favor or partiality, those gentlemen who comprise this Commission—two of whom are judges, and the other an ex-judge—are of course unsworn in this investigation, to which their oaths of office do not in the slightest degree apply ; and therefore that alleged security of a judicial tribunal is not given, since the men who have to try, though some of them happen to be judges in another capacity, are not in this one sworn judges. I do not attach too much importance to that. The Committee was not sworn, the new Committee may be unsworn ; but when you are called upon to contrast the position of the Committee with the superiority of the judicial character, and the sacredness of the judicial obligation, it is well to remember that the safeguard which the law declares to be necessary in judicial tribunals does not extend to this

The Commission Unconstitutional.

particular tribunal. Again, this Commission is not within the reason of Royal Commissions at all. Such Commissions are issued in order to inform the Government of the day upon matters of which they are ignorant—to make enquiries into things of which the Government is unaware, in order that they may be the better able to determine what the public interest requires in matters of administration. That is the legitimate object of such Commissions, but in this matter who can say that the minds of Ministers require to be informed ? It is the public mind that requires to be informed by Ministers themselves. They know ; we are ignorant. They destroy the machinery we had provided in order that we might inform ourselves, and they appoint a Commission that they may find out what they knew already. Sir, this Commission is entirely without warrant, either of the common or the statute law. The great master of the English law, Sir Edward Coke, laid down that, "a Commission is a delegation by warrant of an Act of Parliament or of the common law, whereby jurisdiction, power, or authority is transferred to another court. All Commissions of new invention are against law till they have allowance by Act of Parliament." This is, in effect, a Commission to enquire into crimes and offences committed by particular persons, and which, if Parliament chooses, can be dealt with by the courts ; for the offence charged is a misdemeanor, punishable by the law. Now, sir, commissions of this character have been adjudged illegal, because they interfere with the ordinary course of justice, which is one of the greatest securities of the people. It is your security and mine that there is a general standing law providing the machinery for bring to trial all offenders against the other laws of the land, and it is of the utmost consequence that there should be no questioning of offences cognizable by the courts, except under the authority of the general law and by the tribunal constituted for the trial of all such offences. Remember, what is done by Ministers to-day in respect of themselves they may do to-morrow in respect of you. Remember that the Commission now issued to enquire into these charges against Ministers is a warrant for the issue in future of Commissions to enquire into offences against the law alleged against yourselves, and that you may be called, out of the ordinary course of law, before a Court of Inquiry created by the exercise of the prerogative alone ; that a robbery of the mails, for in-

stance, may be tried by a Commission instead of the regular courts of law. The security of the subject is, therefore, grievously impaired by the issue of this Commission. But it is said that the recent Act authorized its issue. Not so. The Act, in the first place, is framed not to authorize the issue of a Commission, but to provide that when the Government, in the exercise of the prerogative, chooses to issue a Commission it may confer powers as to Oaths on the Commissioners. The Act leaves the issue of the Commission to the prerogative. Again, the general language of the Act, can never be extended to subvert fundamental laws and principles, such as I have referred to—namely, that the accused shall not nominate the tribunal; that offences against the law, cognizable by the courts, shall not be taken hold of by any tribunal created out of the ordinary course; that Commissions are only issued to inform Ministers on matters about which they require information, and that Commissions are not issued to try or interfere with State offences or questions raised in and belonging to the House of Commons. I have very shortly stated what, of course, is a dry legal question, but one which the intelligent people of this country must, to some extent consider, inasmuch as the rights of every man amongst us depend upon the true apprehension of the principles to which I have referred. Then there are certain grave inconveniences connected with this Commission. Witnesses are entitled to refuse to answer criminating questions. The Commons have the right, I believe, to compel such answers. At any rate, provision may be made for that; but since by this Act witnesses may refuse to say anything that tends to criminate them, and since the offence charged is a criminal offence, it is competent for the chief actors to decline before this Commission to answer many most material questions. There are, indeed, many other objections to which for want of time I shall not refer. I am extremely averse to discussing the *personnel* of the Commission. It is always disagreeable to say anything against those who are practically precluded from making a public answer, and upon the whole I have determined at present to say only that I am unable to acquiesce in the proposition that the Government having undertaken the invidious task of naming their triers, have chosen men in whose decision the country can or ought to confide. Some other day I may feel called on further to discuss this topic; I abstain at present, only adding that it was not in human nature that the accused should, if guilty, act differently in the choice of their judges. Upon the whole, sir, I believe that my fellow members and myself who signed that representation to his Excellency, and announced our view that intense dissatisfaction would be created if parliament were prorogued without allowing it to provide machinery for the prosecution of the enquiry, must stand by each other in defence of the Constitution. We must take the judgment of Parliament and the country upon the question, and therefore we must bide our time until

Parliament to Meet Early.

Parliament meets. An early meeting, you are aware, is promised. For that early meeting the faith of the Crown is pledged, and at that meeting we shall assert the principles which I have been endeavoring feebly to expound this night. We shall say what we should have said earlier, had the opportunity been given us to criticise the proposal before the act was committed, and we shall look to the people to sustain us in fighting the people's battle. Am I heard, or shall my utterances be read by any man who calls himself Conservative? Let me ask him to step to the front with me to conserve the Constitution, to conserve those ancient principles of British liberty which he can agree with me are not newfangled, but are as venerable as they are just. Is it for anyone who calls himself a Conservative to sanction, or to do ought but condemn this new and dangerous course, sweeping away every well settled principle upon which the Constitution rests? I want to know what is his function in this country, if it be not to stand up for those good things which are established. Sometimes, I regret to say, it is deemed cause enough to stand up for an evil thing because it is established; and assuredly I hope to

have the support of many Conservatives in the maintenance of the established good. You may be told we are trifling; that although these principles are undeniable, and these privileges unquestionable, we are not to scrutinize the means, because the end is good. You may be asked to adopt the degrading doctrine, that "the end justifies the means." You may be asked to say that because the object is investigation, which all desire, therefore you should entirely overlook the means. And yet these gentlemen who tell you that, with the same breath are prepared to denounce my friend Mr. Huntington because they suspect that in the attainment of that good end, the truth, he has used some unjustifiable means in getting evidence! But it is said the matter is a trifling one. Were not the few shillings of ship-money levied on John Hampden a trifle? It would have been better, these time-servers and followers of expediency will tell you, for him to have paid the twenty shillings than to be vexed and harrassed with suits, and yet upon that trifling issue were staked the liberties of England! And his name is held in everlasting remembrance by all worthy sons of England, because he refused to pay that trifling sum, and put fortune, fame, life itself to the issue rather than desert what was his country's cause. Was it not a trifling matter to Sir John Eliot that he should write a humble letter to the King, saying, "I submit myself." Seeing that Parliament had been dissolved, that the evil had been done, that whatever was wrong and tyrannical had been accomplished, was it a very important matter that he should say, "I regret my error," and so escape for a season, biding the good time when Parliament should be called again? Time servers would tell you Sir John Eliot ought to have so acted. They would belittle the martyr's fame; they would say his sufferings should fall upon his own stubborn head, that sympathy for him was entirely misplaced, that there was something utterly absurd in the man not yielding for the time and waiting until Parliament should redress his wrong. No, Sir; no, Sir: these are doctrines we cannot afford to hear broached without denouncing them. We cannot permit the most trifling encroachment upon principles, the inviolable preservation of which is our only security for liberty. Let us agree that no object can justify our parting with the least of the securities of liberty. Let us agree that there is, as all history teaches, danger, the greatest danger, in an evil precedent. I have seen it in my own brief experience. I never saw a bad Act of Parliament passed but that it was urged, and often successfully, as a precedent for a very much worse act next session. Such is the invariable result. Give the precedent, and it is always stretched and stretched in the wrong direction. The trifle of to-day becomes the monster of to-morrow. The cloud no bigger than a man's hand in the morning may become by night a deluge sweeping away the very landmarks of freedom. And let me say that you but ill repay the sufferings which that noble man, a part of whose story I have told, endured for you and your children, as he tells in the letter which I could not read, nor you hear without emotion, when you permit one jot or one tittle of the sacred principles which his blood has sanctified, which his martyrdom has enshrined, and which form to-day the corner stone of British liberty, to be impugned or infringed by even the highest and mightiest with the best and purest intentions, far, far less by incriminated Ministers, seeking through stratagem to escape from justice! No situation is so secure but that the people's negligence may make it dangerous. No situation is so desperate but that the people's vigilance may work out their salvation. Upon that vigilance depends the preservation of your liberties to-day. That vigilance, I expect you to exercise. Awake, then, to the magnitude of the issue. The feeling of the people will be the feeling of Parliament next session. What you, what the intelligent people of Canada shall have determined in the meetings out of Parliament, is what Parliament itself will shortly do. Awake, I say again, to the issue! Let your voice and weight be felt. By one stern lesson teach a corrupt and audacious Ministry that they may not, unpunished, trifle with your dearest rights; and plant once more on foundations broad and deep, on the foundations of public virtue and constitutional liberty, the fair fabric which your rulers are now shaking to its base.

NUMBER THREE.

IN THE HOUSE OF COMMONS,

ON 3RD AND 4TH NOV., 1873, IN REPLY TO SIR JOHN A. MACDONALD.

OTTAWA, Nov. 3.

The honorable gentleman who has just addressed the House for more than five hours, has in a long professional and Parliamentary experience learned how best to conduct a weak case. When the logic and the facts of the case are with him, when he is on the side of honesty and right, no man knows better than himself the importance of marshalling all the facts in their order, of abandoning all irrelevant topics, of putting all else aside, and of confining the House closely to the question which is for its decision; and no man is better aware than himself that when the case is different, as this is, when it is of such a character that it cannot bear investigation and argument fails, the only course open is to reverse that mode of procedure, to confuse the argument, to bring in irrelevant and side issues, to touch a tender part now for a moment, then pass away from it, and revert to it again, with no connected strain, with no attempt at a perspicuous and plain statement, no attempt to demonstrate that which is impossible of demonstration, but with ample use of that other artifice which at the close of a long career, copying from his early professional experience, he has brought into prominence to-night, namely, to abuse the other side. Sir, the interests which are at stake on this occasion are too momentous, the circumstances are too grave to permit us for one moment to waste our time by any discussion which is not fairly relevant to these matters, by any assertions which are not for the immediate determination of this House. As to the concluding words of the hon. gentleman, as to those things upon which he said he now threw himself for judgment—the feeling and intelligent decision of the House, of the country, and of posterity, and last and highest, on that *mens conscia recti* which he says he possesses, my short answer is this: that when the hon. gentleman was called upon to vindicate before the people his policy; when he was called upon by reason and argument to sustain his course, and to prove his title to the confidence of his country, it was not to these high and elevating sentiments he appealed; it was not upon the intelligent judgment of the people he relied, but it was upon Sir Hugh Allan's money, obtained by the sale of those rights of the Canadian people, which he held in trust. That was the influence which he then used to sway the public mind. What have

No Irrelevant Issues.

we to do in this great discussion with the question whether a letter has been stolen, whether a telegram has been bought, whether McMullen sold or gave the letters of Sir Hugh Allan? Have these considerations anything to do with the question whether the hon. gentleman acted in a manner unworthy of his position, and betrayed the trust confided to him? These suggestions of his are interpolated into this debate most unfairly, and unjustly, and they are excusable only from the pitiable condition in which the hon. gentleman this night stands. But for that pitiable condition, unscrupulous as he has always shown himself in debate, I believe that even he would have abstained from resorting to these arguments. If the hon. gentleman has any charge to make against any member of the House, of having been guilty of acts unworthy of a member of this House, I suppose that at the proper time he will formulate that charge. I do not doubt that this House will be disposed to deal with that charge, and I do not doubt that even-handed justice will be meted out to any man whom he may establish to have acted in a manner unworthy of a member of this House; but what have we to do to-night with the question whether the hon. gentleman will, or will not formulate such charges, or can, or cannot establish them? We are dealing to-night with men whom we impeach, not

merely as accused, but as established criminals. And it is the plea of the prisoner at the bar, that his accuser has been guilty of some other crime, a plea which he says he can prove some other time if you acquit him now of the charge against himself! Let him, or those who succeed him in Parliament, at some future time, as soon as he pleases after these charges have been disposed of, redeem his pledges this night given, and put these matters, or such of them as may be deemed proper, to trial, but let this controversy be disembarrassed of them. Whatever be the fate of his charges, they cannot effect one vote to be given to-night. They cannot effect the consideration of that question which my hon. friend from Lambton has tendered for the judgment of this House, and which it is proposed to supersede by the amendment of the hon. member for Pictou. The question is, comparatively speaking, a short, and simple one. I thought, till I heard the hon. gentleman's speech, that it was large enough—that it embraced topics which might well be the subject matter of a considerable amount of discussion; but it is short, simple, and contracted within narrow limits, when you compare it with the vast range of irrelevant topics which

Points at Issue.

the hon. gentleman has chosen to bring into the discussion. What are the two points really in issue? First, whether the conduct of the Government, in the course of the investigation, merits the censure of the House; and, secondly, whether the conduct of the Government, as disclosed in the evidence, merits the censure of the House. What have we to do with the cries which the hon. gentleman says we raised against him? What have we to do with the question of the Nova Scotia subsidy? What have we to do with the question of the Washington Treaty? What have we to do with the question of the Manitoba Act, or with the attitude of the Opposition at the period of the union of British Columbia, upon the subject of the Pacific Railway? These matters do in no wise assist the House to come to the conclusions to which the hon. gentleman invites it to come, on the issues joined between him and his accusers. The honourable gentleman commenced his speech by an allusion to the question of the prerogative; and he alleged that the prerogative and the will of the people could no longer be opposed to each other; that the prerogative was a part of the liberty of the people; and he insisted that the question of constitutionality could not subsist for a moment. Whatever opinion I hold as to the duty of His Excellency under the advice tendered to him, that question is not raised in this debate. I limit myself to what is raised in the debate, and that is the action of His Excellency's Ministers, the advice they tendered and the course they pursued. It is all very well to tell us that the prerogative is of less importance than it once was. It is all very well to tell us it can no longer accomplish, in the hands of the Crown, what once it could accomplish. But it makes no difference to a free people whether their rights be invaded by the Crown, or by the Cabinet. What is material to them is to know that their rights are not invaded from any quarter, to secure them against invasion from all quarters, and to guard against that new danger of increased, and increasing power of the executive, which presents itself in these modern days. This is no fantasy of mine. You will find the best writers upon constitutional topics referring to the subject. You will find that most fair, and impartial, and candid writer, Hallam, adverting to the danger of the increase, by insidious degrees, of the executive power of the Cabinet, and to the duty of the people to guard against that increase. It is very well to say to the people they are all-powerful, but if we hand over to the Cabinet powers—inordinate powers, not susceptible of being kept under proper control—we may be deprived of that very expres-

The Prerogative Abused.

sion of popular will which is necessary in order to popular Government. The hon. gentleman says the prerogative, under the advice of responsible Ministers, can never be used against the people. We allege that the prerogative under the advice of Ministers has been used against the people. We allege that it has been used in

order to prevent the action of the people's representatives. We allege that it *has* been used in order to withdraw from the cognizance of those representatives the great cause which was pending between the government and their accusers. We allege that in this very case you find an instance of the evil which the hon. gentleman ridicules as a fantasy of the imagination, and full proof of the necessity of preserving all the forms and principles of the Constitution, every security for free government, and every right of the people which our ancestors have handed down to us. Sir, the most dangerous doctrine to which a Parliament can assent, is the doctrine that it should part with some portion of its ancient liberties, immunities, and privileges. We ought to be most jealous with reference to each one of these. We ought to find not merely that there does not exist some present obvious danger from the abandonment, but also, that there exists no possibility of future danger from their abandonment. And even if we cannot see at the moment any such danger, we must find some preponderating cause for our action before we give up one of those safeguards which have been handed down to us, and which it is our duty to transmit unimpaired to posterity. The hon. gentleman has argued this question of the prorogation historically; he has told us that a formal announcement of prorogation was made as from the Crown. I did not understand any such announcement. No such announcement was in words made. I have heard the hon. gentleman announce the intentions of the Crown before to-day upon such topics. I have heard him announce what his advice to the Crown would be, and what he had been authorized by the Crown to state upon such topics. Though on this occasion he says there was a formal announcement from the Crown, I say the House did not so understand it. I say more; it is contradicted by the facts; if His Excellency had formally, through the First Minister, anterior to adjournment, communicated his intention to prorogue at the opening of the House, on the 13th of August, would there have been a second communication to this Chamber, through you, Mr. Speaker, to the same effect? And yet we were informed by you, on the 13th of August, that you had that day received a communication from His Excellency that it was his intention then to prorogue the House. No, sir, the whole idea of prorogation on the 13th of August, was based of necessity upon one theory of the result of the labors of the Committee, namely, that those labors would be effectually prosecuted, and that they would result in a verdict of acquittal. I do not believe that the hon. gentleman will seriously argue that he intended that this House, provided the evidence before the Committee established the charges, should wait till next spring before it pronounced judgment upon the case; that this House should allow Ministers to maintain the control of the Government of this country after they had been clearly proved to have been unworthy of the trust committed to them. I believe that such a proposal would not have been assented to by the House, and whatever was said, must, from the necessity of the case, be taken to have been said under the conditions I have named. The hon. gentleman himself would not have dared to say to this House, "though the evidence taken before the Committee proves my guilt, I will still insist that Parliament shall not meet for business on the 13th of August; I will still retain power till February or March next." He would not have dared to say that; but in the ostentatious assumption of innocence which he put forward, he chose to affirm that nothing whatever could be proved; that the result of the Committee would be to establish his innocence, and,

No Agreement to Prorogue.

therefore, there would be nothing for the House to do. Now, Sir, that it was impossible that the arrangement, which the hon. gentleman says, was finally and definitely agreed upon, should, under all circumstances, and under all contingencies, remain as the settled state of things, is shown by our being here this night, discussing this question, because a contingency did arise, which rendered it quite impossible to adhere to this programme of the hon. gentleman, which he declares to have been settled and final. His programme was that Parliament should not meet till February next. He had no idea of a fall sitting,

and is it not just as much a breach of faith for every member to be summoned here on the 23rd of October, as it would have been to be summoned for business on the 13th of August? We are here, after all, at a time when, according to the programme, we should not have been here; but the hon. gentleman's fixtures having all hinged on the contingency I have mentioned, and that contingency not having happened, the Committee not having been able to do anything, we are here to-day, which, according to the hon. gentleman's view, is a breach of faith. It seems to me that under the circumstances we have to consider this prorogation not by itself alone, but as a means to an end. It did obviously accomplish one thing. On the 21st of July, an authorized Ministerial announcement was made that at the earliest moment this matter would be submitted to a tribunal competent to take evidence under oath. It is clear, also, that so long as the Committee was in existence, (and its existence was contemporaneous with the existence of that session of Parliament,) Ministers themselves thought it not fit to interfere with the Committee, abortive though it was, by issuing the Commission which was, we may fairly assume, the tribunal in contemplation by them upon the 21st July. We find so far back as this the design to withdraw from Parliament, and to bring before another tribunal this investigation. Now, it was perfectly obvious that the effect of prorogation would be to destroy the the enquiry, to destroy the powers of the Committee, and that whatever had to be done would have to be recommenced. Under our Constitution, owing to a difference in its forms, different results arose from those which would have arisen in England; and so it was that Ministers had deliberately determined to avail themselves of that difference of form, and by prorogation to remove from Parliament and to assume to themselves the cognizance of their own impeachment. And yet we are told that there is no danger in prerogative.

OTTAWA, Nov. 4.

Mr. BLAKE resumed the debate on the Address as follows: Last night I pointed out that a great number of the topics introduced by the First Minister of the Crown were wholly irrelevant to the serious question engaging our attention. The House and the hon. gentleman know that it is not my custom to shrink from a fair discussion of any public question at any time or at any place, or before audiences from any of the Provinces whom the hon. gentleman seeks to array against me, and whose champion he assumed to be last night. I am perfectly prepared to state, and I believe satisfactorily to vindicate, as in the highest interests of the Canadian people, the motives by which I was actuated in consenting to the policy which my friends have pursued on public questions to which he has referred. But, Sir, it is not fit that we should interfere with this debate by these considerations, and I feel myself the less bound to enter into the discussion of the electoral battle, because it is known I was not present during the campaign. I was surprised to learn the course it took, according to the view of the hon. gentleman opposite. All I can say is that, from the information I have received, I am led to believe the First Minister's recollection is inaccurate as to the points agitated in the west, and I believe if anything was said about Nova Scotia, that it was an attack upon my honorable friend from Lambton, by the hon. gentleman himself, because he alleged that my hon. friend had brought about an exorbitant grant to that Province for her Provincial building. But I not choose now to enter into the question whether the general conduct of the Government has been prudent or imprudent. The conduct of the Government in the past has no more to do with protecting them against this charge than their other misdeeds can be made a ground for convicting them on this charge. It is to be remembered that the complaint is one of breach of high public trust, and you must not forget that charges of this description can only arise against persons who have borne very good characters. It is by means of such characters that they procure the confidential positions in which a betrayal of trust becomes possible; and hon. gentlemen opposite having thus, as they allege, by their previous good conduct obtained the opportunity of com-

mitting a great public crime, now put forward that previous good conduct as a reason for acquitting them of that crime. The embezzlement by a confidential clerk, or the betrayal of a trust by a trustee, cannot be condoned by previous good conduct. At criminal trials, witnesses are called to speak to the good character of the criminal, but they are merely called to mitigate the sentence; but upon this question the verdict of this House is asked, guilty, or not guilty of conduct which merits the severe censure of this House. Upon that issue evidence of good conduct is immaterial. It is material in one sense, indeed, because it involves a confession of guilt by appealing to these mitigating circumstances. I will merely add a word as to the attack on the general policy of the Opposition. So

Policy of the Opposition.

far from the Opposition being actuated by any sectional feeling, as has been alleged against us in regard to our policy respecting the different Provinces, I believe it can be demonstrated that fair play to all parts of this Dominion has been the groundwork of our policy in the past, as it will be the groundwork of our policy in the future. That man is as much a sectionalist who seeks to array Province against Province, by acts of partiality which must be unjust, as the man who raises a cry against merely fancied injustice. If the Opposition has complained of some things, it was because we thought them improper. If we were wrong in that, let us be met by fair argument, without these miserable appeals to local interest, these unpatriotic attempts to band whole Provinces together in hostile array against the rest of the Dominion, which have disgraced hon. gentlemen opposite in the past. Let it not be said that in this House any member, come from what Province he may, is not to be free to argue questions of public policy, without encountering these wretched attempts to rouse against him the local feelings, passions, and prejudices of particular sections of the country. Now I return to those points bearing more or less on the question before the House, on which the hon. gentleman dilated, some of which I shall touch, but very lightly. In the first place, the hon. gentleman argued that the motion of the member for Shefford was a motion of want of confidence. I do not think that is very material, but his proofs do not sustain the statement. They are threefold; first of all the hon. gentleman read a statement from the Ottawa correspondent of *The Globe* and he announced that the great party, which my hon. friend leads, was irrevocably bound, because *The Globe* correspondent said, before it was known what the motion would be, and when the hon. gentleman himself expected quite a different motion, that it was supposed to be a motion of want of confidence. That argument is so absurd that the mere statement of it is its sufficient answer. Then the hon. gentleman turned to the member for Wentworth to whom he gave the character of being a very honest man. Notwithstanding the hon. gentleman's praises, I think my friend is fully entitled to that character; but I believe he does not set up for the only honest man on this side of the House. My honorable friend from Wentworth did say his opinion was that the motion was intended as a motion of want of confidence. I did not so understand it, and I do not suppose that my honorable friend set up his views as binding upon the whole party. Lastly, the hon. gentleman said the mode in which the motion was originally intended to be made namely, by amendment to a motion to go into Committee of Supply, indicated that it was a motion of want of confidence. That is not correct in point of Parliamentary law, and there are to be found in the very same session two notable instances contradicting the hon. gentleman's theory, in which amendments to go into Committee of Supply were carried, and were not treated by the hon. gentleman as motions of want of confidence. Such motions are, therefore, not to be considered *ex-necessitate* as votes of want of confidence. The hon. gentleman has been fond of using this argument, and hence that excellent parliamentary weapon had in course of time been blunted, but its edge had been restored by the hon. gentleman's consent last session. Well, Sir, what are the reasons on the other hand? The nature of the motion itself is one which prevents it

from being called properly a motion of want of confidence. A motion for enquiry can hardly be a motion of want of confidence. A charge is made; a charge of such gravity as to demand an investigation, and the proposal to investigate only, not to adjudge, cannot be a proposal that there is no confidence in the Administration. I quite admit that the Administration can make it a motion of want of confidence as they can make any other motion, even one of adjournment; but the motion itself, as projected by the mover, cannot be considered one of want of confidence. Then the attitude of the member for Shefford in making the motion, indicated it was not one of want of confidence. He made no speech; he made no attack upon the Ministry; he simply made his statement and placed in your hands the motion based upon it. Then the attitude of Ministers themselves destroys their argument, because they themselves within a few days invited the House to pass the motion they had at first rejected. It could not change its character and be on the 2nd a vote of non-confidence, and on the 8th a vote consistent with the

Pressure on the Government.

attention of their seats by Ministers. Next the hon. gentleman alleged that no pressure was put upon him to grant the Committee. Well, of course we accept the statement of the hon. gentleman, but we must remember that this was a charge against the Government, and it is established by the evidence brought forward last night in this House, that several supporters of the Government considered the charges were a proper subject of investigation, and informed members of the Government that was the last vote they would receive from them unless the Committee was granted. By what intuition the hon. gentleman became possessed of this fact, what bird carried it, what stone wall heard it—boots not to consider; suffice it to say that pressure was put upon the Government, and that the Government yielded to the pressure. Next the hon. gentleman stated that he never dreamed that the Committee would proceed at once. I ask every candid man in this House, except the hon. gentleman, whom I am obliged to except, though he is known to be a particularly candid man, whether he ever dreamed of anything else, whether the whole tone of the discussion, the zeal manifested for the passing of the Oaths Act; the conduct of the various proceedings which ensued subsequent to the appointment of the Committee, did not all point conclusively to an immediate commencement of its labors, and their prolongation beyond the session only in case it should be found impossible to finish them during the session? The hon. gentleman was bound, if he thought that this Committee could not meet for business till after the return of those gentlemen, who he knew were to be absent till June, to have said at once that the Committee could do nothing until their return. He was bound to take the House into his confidence, and to have explained that he thought it impossible to get on at once; but there were many matters with reference to which the hon. gentleman kept the House, and even his own supporters,

Those Damning Papers.

in the dark. All that time he had in his desk those damning papers—the letters of Sir Hugh Allan, the contract between Sir Hugh Allan and his American associates—papers which have disgraced the writer of them irredeemably throughout the world. And yet the hon. gentleman never took his supporters into his confidence on this subject, and I venture to say it was a surprise and a shock to many of them, apart from the other evidences of their leader's guilt, when they found that before this charter was granted, while nothing had been done that could not be undone, the hon. gentleman had received these written records of the villainy that had been perpetrated by the man whom he afterwards placed in the position of President of the Company. It was the duty of the hon. gentleman to tell the House, which he was swaying with an iron rod, whither he was leading it, and that the Committee could not meet till these gentlemen returned. But I shall prove by facts beyond dispute that, whatever the hon. gentleman's secret intention was, his public and avowed plan of action was that the Committee should proceed. The hon. gentleman

has told us that he knew the chances were infinitesimally small that these gentlemen would return during the session, and yet he agreed to have the Oaths' Bill pushed through the House, and he brought down His Excellency in the middle of the session to assent to that Bill. To what end did he do this unusual thing, if the Oaths' Bill was not to be used immediately afterwards? It is clear that, whatever may have been the hon. gentleman's secret thoughts, he was willing to lead this House to believe that immediate action on the part of the Committee was desired and intended by him. But when the Committee at length met for action, the hon. gentleman applied for an adjournment, to which

Protestations of Innocence.

the Committee agreed. That proposition was submitted to the House, and then for a first time he delivered a speech in vindication of his conduct, in which he declared there was not one jot or tittle of truth in this charge. He made a speech, in which I am sure he led every man on both sides of this House to believe that either he must be utterly false, or my hon. friend for Shefford must have been utterly mistaken in bringing forward this charge. He said there was no shadow of foundation for it; nothing whatever which could have led to the preferring of such an accusation. These were the declarations of innocence on the part of the hon. gentleman. Under these circumstances, and by virtue of that denial (how candid it was, he having all those papers in his desk, and in his guilty breast the knowledge of his crime, I leave to you to judge), he induced the House to postpone the Committee to the 2nd of July. I now come to the Oaths' Bill. It so happened that I was not in the House during any of the discussions upon the subject of the Oaths' Bill. I was present when the Committee was moved for, on which occasion the hon. gentleman made the statement that the evidence should be taken under oath, for he it was who first made the suggestion to take the evidence on oath. I thought it strange that he should propose that the Committee should sit after prorogation without asking for a Bill to authorize that procedure, and I thought also that, if he desired to take evidence on oath, he should introduce a Bill for that purpose; and I did on that occasion make those suggestions. I am not about to discuss the question of the legality of the Oaths Bill. I leave that to the hon. member for Cardwell, who has maintained it heretofore, and will no doubt maintain it still against all comers from either side of the water. I have argued this question before, and I argue it to-day upon other and higher grounds than the question whether the Oaths Bill was *intra* or *ultra vires*. That is of minor consequence, because if we have not got the power we can easily obtain it; but the question of disallowance, assuming the measure to be *ultra vires*, is one of the most serious questions that can

Disallowance of Bills.

be brought before this Parliament. The views of the First Minister upon this question of disallowance have been made public. On the 8th of June, 1868, in a memorandum submitted to His Excellency, the First Minister used these words:—"Of late years Her Majesty's Government has not as a general rule interfered with the legislation of colonies, having representative institutions, and responsible Government, except in the cases specially mentioned in the instructions to the Governor or in matters of Imperial and not merely local interest." That is the true rule, stated in the most moderate terms, as to the exercise of the power of disallowance. When you put to one side first all those matters contained in the instructions to the Governor, and, secondly, all matters of Imperial, as distinguished from local concern, you have exhausted all the subjects of disallowance; and yet in this the greatest self-governing community in dependence upon the British Crown, in which the principle of self-government was first established, and is supposed to be furthest advanced; in which we have exhibited, in a very complicated if not a very perfect shape, the *imperium in imperio*; in which, of all others, we ought to preserve as far as possible, in the interests of the Empire and in the interests of the connection, those well-settled rules as to non-interference by England in purely domestic matters, we

find that those wholesome and necessary rules have been forgotten and that this disallowance has taken place. But can we blame the Imperial Government in the face of the facts which have been divulged by the papers just brought down? No, Sir, we cannot, and why? Because the First Minister of this country, betraying his duty to his country, expressly invited the interference of Her Majesty's Government. So far from suggesting, as he ought to have suggested, to His Excellency that the Act was one of domestic import solely, with which England should not meddle, the hon. gentleman says this:—"The undersigned, to whom has been referred by Your Excellency the Bill passed during the present session, has come to the conclusion, although not without doubt, that this Bill is not within the competency or jurisdiction of the Canadian Parliament, *and that the attention of Her Majesty's Government should be called to its provisions and to the doubt that exists with respect to its validity*" The intimation of the hon. gentleman, promptly acted upon by the law officers of Her Majesty's Government, was in direct contradiction to the principle laid down by himself, that Her Majesty's Government should not interfere in our domestic legislation, but leave us to settle our domestic troubles by our own machinery.

He must Bear the Burden.

ery. In ignorance of this dispatch, I did, on a recent occasion, blame the Imperial Government for departing from what I stated to be a well settled rule. I am free to admit that the burden has been largely shifted, and now lies chiefly upon the shoulders of the First Minister of this country. I observed, Sir, at the time, that the proclamation issued on the 1st day of July was not accompanied by the certificate which it is provided by the Act shall accompany it. And I confess I did not suppose the hon. gentleman would have been guilty of the act which from these papers it now appears he has committed. I supposed it was by some slip that it happened. The occasion was urgent, it was a public holiday, there were various things to be done, and I supposed that the certificate of Lord Kimberley, which is required to be appended to the proclamation, had merely been omitted by mistake; but by the papers brought down, it appears that the Act was not ripe for disallowance at the time; it appears the certificate was signed and sealed in England upon the 1st of July, the same day upon which the proclamation was issued in Canada making public the disallowance. Now, Sir, the law is that in order to disallowance the proclamation or message of the Governor must be accompanied by a certificate of the Secretary of State; and until receipt of such a certificate no proclamation could lawfully be made. But it now appears that the hon. gentleman caused the proclamation of disallowance to be issued illegally upon that day, in order to stop the proceedings of the Committee, and to carry out the scheme of disallowance which this memorandum shows he contemplated from the commencement. Sir, upon a telegraphic communication to the effect that the Act was disallowed, he misled His Excellency into a violation of the law, by proclaiming the disallowance at a time when His Excellency was physically incapable of performing that Act, because he had not yet received the requisite certificate of the Secretary of State. Under these circumstances the hon. gentleman should not have advised this proclamation. He should have waited until the certificate which the law requires had arrived. The Committee could then have proceeded with and probably finished their labors, because, till the legal proclamation of its disallowance, the validity of the Act was not affected by the English Order in Council. The object of the hon. gentleman, however, was not thus to be accomplished. To meet his views it was necessary that the disallowance should be proclaimed, and the proceedings of the Committee stayed. The hon. gentleman alleges

The Lord Chancellor of England.

that this disallowance was the act of the Lord Chancellor of England, and he presses this House with the weight of that great authority. As I said before, I make him a present

of the proposition that the Act is *ultra vires* of the powers of this Parliament, and I leave to the honorable member for Cardwell, who introduced the Bill, to establish to the House as he established before, in spite of the exertions of his leader, that the Bill is not beyond our jurisdiction. I assume for the purpose of argument that the Bill was *ultra vires*, and have put before the House only the constitutional question whether, the fact that it was *ultra vires* being admitted, it was fit that it should be disallowed. The legal opinion of the Lord Chancellor is therefore not material to my argument. I am aware that the hon. gentleman is gazetted, although not yet sworn, a member of Her Majesty's Privy Council, and he probably knows more than I do of what takes place in that Council, and perhaps he knows that the Lord Chancellor gives to every order of Council his personal consideration and sanction. I was very much surprised to hear it, and I do not think that the honorable gentleman will allege seriously that it is the Lord Chancellor's duty to consider the validity or legality of every Order in Council. In this case, as is quite apparent upon the face of the despatch, the Lord Chancellor was not of the Council when the Act was disallowed. Considering the circumstances, considering that it was presented and disposed of on the 26th, and the result telegraphed on the 27th of June, I have a notion that the Lord Chancellor heard of the matter for the first time when that little breeze blew from this to the other side of the water; but it is of no consequence. I decline, in matters of importance to the good Government of this country alone, with reference to our domestic affairs, to be bound by the extra judicial opinion of the Lord Chancellor of England, or any other law officers of that country. The question is, whether, according to the well settled principles which regulate the conduct of the Imperial authorities in matters relating to the internal economy of self-governing Colonies, the act being *ultra vires*, our Minister acted worthily or unworthily in suggesting the course which was taken. That question we must settle for ourselves, and I do not doubt we shall settle it.

The Royal Commission.

well. Sir, I do not propose to add anything to the few words I said last night upon the subject of prorogation, but I propose to deal shortly with the question of the Commission. The hon. gentleman has said that he does not think himself bound to argue the propriety of the Commission, because we use some of the papers which have been laid before us in in that connection. Sir, this might answer in a *ni si prius* court, but not in this High Court of Parliament. Confessions solemnly made and signed by the parties, documents submitted to this House, if they appear to be genuine, or be admitted by the parties, may be used as the foundations for judgment, although we dispute the process by which these papers saw the light. Although we dispute the legality of the Court by which these documents were evolved, we can still judge upon the facts which they contain, and condemn, upon the results of their own illegal tribunal, the men who have been guilty of the crime of constituting it, and of the crime which the evidence taken before it discloses. The hon. gentleman has given us a verbal account of some further opinions upon this subject, and he says that the law officers of the Crown in England have agreed that His Excellency's course was legal and constitutional. It may be so. We have the hon. gentleman's word for it, but, Sir, we are not discussing the constitutionality of His Excellency's course. We are discussing the advice given to His Excellency, and notwithstanding the arguments used by the hon. gentleman, notwithstanding any opinions he may produce, our right to discuss and form our own judgment on that advice is undisputed and undisputable. It is advice which, if permitted to become a precedent, would destroy at one fell blow every vestige of our liberties. I repudiate the notion that we have not the right to criticise, and criticise freely, the acts of the Minister who advises, since everything done by the head of the Executive, within the line of the Constitution, is beyond the sphere of criticism. For the proposition that

we have a right to criticise the acts of Ministers in advising the Crown, men have fought and died. It is a principle thoroughly well recognized in our law, well established in the English Constitution; and I venture, for the credit of this country, to say that we here repudiate the attempts which were made last night to shift responsibility from shoulders which ought to bear it, on to shoulders which cannot bear it without a conflict between the

Law Officers not Infallible.

people and the Crown. I have nothing to do with the opinion of the law officers of the Crown, but if I had, I would say that, whatever respect I may have for the opinion of two eminent English lawyers, who I do not suppose assume the role of infallibility when they become Attorney-General and Solicitor General of England, finality is not to be attributed to that opinion, even when given on a legal question; still less when it is given on a Constitutional question of a large and complicated description, on which the opinion of Parliamentarians, not of lawyers, is chiefly valuable. We hear too much in this country of the opinion of the law officers of the Crown. It is a little too much, Sir, that at this day of our history we are to be told that we are governed by the determination of two gentlemen of the longrobe put down on paper three thousand miles away, before whose opinion we are to be dumb, though we have not even enjoyed the humblest suitor's right of appearing and arguing our cause before this august tribunal. When the hon. gentleman says he has always been right according to the opinion of the law officers of the Crown, he forgets one case out of the four or five controversies which have arisen—one case in which, by the way, English interests were concerned, when the English law officers decided, with great promptitude, in favor of England and against the hon. gentleman. I refer to the case of the Intercolonial Guarantee Loan, in which the law officers, in strong terms, stated that there had been misapplication of the funds, and in a severe dispatch the Secretary ordered that it should not be continued. A reconsideration of that decision was requested, but the law officers declined to modify in the least degree their former opinion. The hon. gentleman does not ask them to reconsider their late opinion, for an obvious reason. The opinion is now held out to the people of this country as something that must be accepted without remonstrance. I have no doubt that each of us will be inclined to magnify the opinion of the law officers when it tends to support our own view; and to lower it when opposed to our own view. Such has been, and such no doubt will be the course of the hon. gentleman. Well, Sir, in this Parliament we must decide this Constitutional question for ourselves, upon what we are able to ascertain for ourselves; upon what our learning and reading tells us are the rights of British subjects, are the rights of a British Parliament. And I do not doubt the statement of the hon. gentleman as to the opinion of the law officers of the

Ancient Landmarks Violated.

Crown will be absolutely disregarded. What I said with reference to prorogation I say with reference to the Commission, that its appointment was a violation of the ancient landmarks of the Constitution and of the Rights of Parliament, and an invasion of the privileges of the people by an exercise of the prerogative, which ought not to be tolerated. The hon. gentleman says there is no longer any danger from the exercise of the prerogative—that the times of such danger are past. I say there is danger staring us in the face, and the hon. gentleman's course has demonstrated the danger. I referred yesterday to Hallam. Let me quote the observations of another writer, eminent in the cause of liberty. Let me read you a few lines from the dedication to the English nation of the letters of Junius, and you will see what he tells the people of that day. He says:—"Never suffer any violation of your political Constitution, however minute the instance may appear, to pass by without a determined persevering resistance. One precedent makes another; they soon accumulate and constitute law. What yesterday was fact to-day is doctrine.

Examples are supposed to justify the most dangerous measures, and where they do not suit exactly the defect is supplied by analogy." These observations are applicable to the case on hand, they teach us not to yield to the specious propositions of the First Minister, and to regard our ancient rights jealously, and not part with a single one. The day may come when we shall require them. The arguments of the Premier upon the prerogative and the rights of the Crown contrasted with the rights of Parliament are, as are many of his arguments, entirely inconsistent. It is one of the weaknesses, if I may be pardoned in so speaking of that astute person, that he is so impressed for the moment with the importance of making out by every argument, fallacious as well as fair, the point which he is taking, that even in the same speech he utters statements diametrically opposed to each other, and advances propositions utterly inconsistent. Last night we heard in his arguments with regard to the several branches of the Legislature inconsistent propositions. At one time he said there was no danger in the exercise of the prerogative, as it was really the property of the Ministers controlled by the people; the next moment he said what was quite different; he stated, very strongly, that the Crown had its independent right; that as an independent branch of the Legislature, the Crown had a right to issue this Commission, and to send papers, and despatches to the House for which we could find no one responsible. Thus we see the hon. gentleman utterly destroy, or dangerously magnify prerogative, as suits the exigency of his case. Let us steer an even course between these arguments, neither diminishing nor extending these prerogatives. Sir, I maintain that no word the hon. gentleman has said was sufficient to justify that invasion of the rights of Parliament accomplished by the constitution of this Commission, based as it was on words spoken by my hon. friend in his place here, and constituted as it was for the investigation of high crimes and misdemeanours here alleged against Ministers of the Crown and members of this House, and so exclusively cognizable by this House, which

Reduced to Extremities.

had already undertaken the enquiry. What an instance of weakness was that, and to what extremities was the hon. gentleman reduced, when he was forced strenuously, earnestly—may I say theatrically?—to argue that we had communicated the charges of the hon. member for Shefford to the Crown, because we had sent for the assent of the Crown a Bill to empower this House to examine witnesses under oath. That Bill did not say anything about these charges, it was a general law; but the hon. gentleman said that he, a Minister of the Crown, had himself communicated these charges to His Excellency in order to induce him to do what he knew was a futile thing—give his assent to the Bill in the middle of the session. I know of no authorization given to the hon. gentleman to inform His Excellency of what was passing in this Chamber. I say it was the height of audacity, and an insult to this Chamber, to tell us by way of excuse that by word, act, or deed he had assumed to violate, infringe or waive any one of our privileges. The Minister, if he made that communication, made it on his own responsibility, and is guilty of a crime which will not fortify him, but weaken his position before the Chamber, before which he is on trial. The hon. gentleman has failed—utterly failed—to produce a precedent for such a Commission as this. The hon. gentleman brought forward on a former occasion the Ceylon Commission. That precedent, however, is

No Precedent.

no longer does duty. It has been exploded, but he brings forward another. He referred the other day to the Megara Commission, but he knew that case had no application, so in his defence he drops that too, but he falls upon one single precedent, on which alone he now rests himself—I mean the Melville case. This was a Parliamentary Commission, and not a Royal Commission, to enquire into abuses with reference to the navy which had been prevalent for some time. It was established, not as a Royal Commission, not upon address, but by Bill, in which Bill the Commissioners were named.

It was the act not of the Crown, but of the Parliament. And this, forsooth, is seriously brought forward as the solitary, the nearest precedent for this Commission; for a Royal Commission not sanctioned by the House, not asked for by the House, and disapproved of by the House! The production of such a precedent is the clearest and strongest proof that British history furnishes no authority for the hon. gentleman's course. He, however, said that the Crown, as a branch of the Legislature, had a right to exercise the prerogative in this way. He also said there was nothing in these charges to prevent the Senate from having a Committee to investigate the facts. Certainly not, if the Committee were founded on information which came properly within the cognizance of the Senate; but there is no authority for the Senate taking up my hon. friend's charge, and upon it founding a Committee, nor is there any authority for the Crown taking up my hon. friend's charge and upon it founding a Commission. Did the hon. gentleman tell us in the speech which he advised his Excellency to deliver on the 13th of August that he was advising the issue of a Commission to enquire into the charges. No sir! The Speech from the Throne stated that a Commission would be appointed to enquire into "certain matters connected with the Pacific Railway." For all we knew, the proposed Commission might be perfectly legal; but when the Commission was issued, instead of being of that character, it recited the motion of the hon. member for Sheffield and the order the House made upon that motion, and it directed an enquiry into the matter of that resolution. The hon. gentleman ought to have presented to this House some better argument, some better reason for the advice he gave. It has been said that the English procedure for enquiry into corrupt practices justifies the Commission, but my hon. friend from Durham has shown clearly that the English statute is an authority directly opposed to the issue of this Commission. Sir, this Commission is also opposed to the funda-

Revoltant Impropriety.

mental principles of justice. What was the revolting scene depicted by the Minister last night? He described himself as going about the country asking one judge and another to become his judge in this great State trial. He asks one judge to come, who says, "I cannot, but I recommend you to so and so." The right hon. gentleman has caused a Commission to be issued, to men named by himself to try himself. He has made efforts to persuade us that the judges must be impartial, but such an account as he gave last night ought to convince, and I hope has convinced, every man with a sense of public duty, that the transaction is one which cannot be sustained. The hon. gentleman is not fond of ancient precedents, and asks us to abandon them altogether. He says with the new light we possess, we can safely abandon those old lamps that have guided the footsteps of our forefathers for so long a period. The hon. gentleman is the leader of the Conservative party, and he enunciates these revolutionary doctrines; doctrines belonging to the new revolution against liberty which he seems disposed to attempt. I, Sir, as a humble member of the Liberal party profess to be Conservative of the Constitution of the country, the principles of British liberty, and the securities for popular rights. I do desire to maintain these precedents, which ought to serve us for guides in the future. Let me cite an instance which tends to show the fallacy of the hon. gentleman's argument. He says that in old days the prerogative was dangerous because it was used by the Crown for its own purposes. The most dangerous instances we have known of the exercise of the prerogative in conflict with the interests of the people, have been abuses of the prerogative by Ministers. In the time of Charles, the Duke of Buckingham was impeached, and that impeachment had gone a certain distance when a Select Committee, consisting of most eminent men in the House of Commons was appointed to prepare articles of charge. Some of the articles had been prepared. The impeached Minister used, with regard to that Committee, as the hon. gentleman has used with regard to our Committee, the prerogative of the

Crown to stay the hand of the Commons. The impeached Minister induced the Sovereign hurriedly to prorogue the House and stay the hand of his accusers. Sir, what happened immediately afterwards? Two days later, the Committee of the Commons, who had been appointed to prepare the charges, received a message from the law officer of the Crown, the Attorney-General, requesting their attendance. They attended, and a request was made to them. Let me read you the answer these eminent men returned. "Whereas, this morning, when we attended upon a commandment from His Majesty, signed by yourself, you gave us an intimation of a purpose of His Majesty to have a proceeding in the Star Chamber against the Duke of Buckingham, of such matters as he stood charged with in Parliament, and to that end required to be instructed what proofs we had to maintain the several charges prepared from the Commons to the Lords against the said Duke, we, according to your advice, have considered thereof together, and entreat you to take knowledge that whatsoever was done by us in that business was done by the command of the House of Commons, and by their direction some proofs were delivered to the Lords with the charges; but what other proofs the House would have used according to the liberty reserved to themselves, either for the maintenance of the charges or upon the reply, we neither know nor can we undertake to inform you." This is signed by Eliot, Pym, Glanville, Selden, and others whose names are household words to lovers of English liberty. Not satisfied with that, the impeached Minister advised the King to have Sir John Eliot taken before the Privy Council, where they endeavored to extort answers with regard to the evidence. Sir John Eliot responded that what he had learned he learned only in the House for the service of that House, and not except for its service would he make use of that information. So, foiled in his purpose, a sham information was filed in the Star Chamber, a sham answer was made by the Minister, a few witnesses were asked some sham questions and returned some sham answers, when the proceedings dropped abortive, and there was an end to the attempt made in those bad days by an impeached Minister to use the prerogative for the purpose of transferring from the House the accusation made against himself. And yet the hon. gentleman says, notwithstanding the objection to its constitutionality, notwithstanding the absence of precedent, notwithstanding the enormously grave objection that the Commission was issued by the Minister himself, specially for the trial of himself, that this Com-

Burlesquing Inquiry.

mission is a legal one. The Commission is to be tried by its works. I believe that trial will result in the verdict given formerly when that question came up before us. I think the hon. member for Cardwell, during the last session, pointed out the difficulties that would arise from a Commission being appointed. He expressed strong objections to it, because it would remove this matter out of the hands of the Commons, and would be unsatisfactory to the House and country, and a feeling of joy on learning that the right hon. gentleman had yielded to the general view. I think, Sir, these observations have been more than fortified by the result, and I expect to find that the hon. member will not withdraw from his position. I expect to find him maintaining the inexpediency of any such transfer as has taken place. I maintain that there exists evidence to show that this Commission is eminently unsatisfactory. Questions were put by the Commissioners, and by the accused in a most improper manner, and I regret to say an attempt has been made in the formal record of the evidence to conceal some of these improprieties. I shall give but two instances, intending to pass on to more important matters. A witness was called who had signed his name to a most compromising paper, a receipt or \$20,000. Instead of sifting the witness to the utmost, the Commissioner said to him, "I suppose you signed it inadvertently," and the witness adopted the suggestion and accepted the means of escape which the Commissioner gave him. Although the newspapers gave this question and answer, the question is omitted in the report before Parlia-

ment, and the answer appears as a voluntary expression of the witness. Again, a witness, Mr. White, I think, after giving evidence relating to large expenditure in Montreal on the part of the Opposition, had the question put to him by the first Minister—"You were outbid in fact?" and the answer was, "I cannot say we were outbid." That question was in a most objectionable form, but I find it omitted in the evidence placed on the table of the House, which represents the answer as a voluntary statement of the witness. These are samples from a large mass of similar improprieties which could be brought forward. Besides, the work of the Commission was most perfunctory, many important subjects of enquiry, lying on the surface, obvious to the most casual observer, were left untouched. Of these omissions I will give an instance or two presently. But unsatisfactory, imper-

The Truth Will Out.

fect, and unfair as the work is, the opinion generally held in the country, and, I am satisfied, entertained by the majority of this House, is that the disclosures of the Commission are such as call for the instant action of Parliament, are such as rendered it necessary for the honor of the country that at the earliest moment at which the verdict of this House could be taken on these declarations and confessions, the question should be submitted, and the sense of the House obtained. In that spirit, in that view, was the motion of my friend from Lambton made, yielding nothing, abandoning nothing, for it censures the course as well as the disclosures, not recognizing the legality of the Commission; yet pronouncing the case so strong, so plain, that we would have been recreant to our duty if we had hesitated to place in your hands, that motion. The Hon. gentleman, though he rambled from one subject to another in his long discourse, and touched upon topics wholly irrelevant, yet failed altogether to deal with what my hon. friend had pointed out to this House as the real root of this matter. It was known in this country before the late elections that bribery had assumed alarming proportions. It was acknowledged to be on the increase. It had become a serious question with honest people in this country how long popular government could be maintained, how long the people could be fairly represented, if corruption were further continued. Those who were interested in the elevation of the people, in the purity of the people, and who desired to avoid that demoralization and degradation which results from the sale of the franchise, had painfully considered the question and had endeavored to bring about a beneficial change in the election law. Such a change had been attempted in the old world with satisfactory results. The hon. gentleman, however, so far from being an optimist, has become a pessimist. He believes that this expenditure at elections always has existed and always will exist. He abandons in despair the hope of seeing a fair and pure and honorable election, a true representation of the people according to their honest convictions. Sir, I do not abandon that hope. If I did, I would despair of the Republic. But the truth is the hon. gentleman's tactics were of the other description. We had tried the effect of the new law upon this matter. It had been tried under his eyes. He had witnessed the effect of it in the Province of Ontario. I say—and I can speak with as much knowledge as any other man in this country upon this subject—I say that while the election in Ontario in 1867 was a very corrupt one, the election in 1871 was the purest that had been known for very many years; and I say that this enormous change was produced by a proper election law, and

Keep Your Hands Clean.

by the adoption of a course which I have always recommended privately and in public, which, I believe, is the only course upon which any party ought to succeed, and which I hope is the only course upon which any party will succeed, namely, that having a law which will enable you to punish bribery and corruption, you should keep your own hands altogether clean, and expend whatever money you choose to expend on elections, in searching out, repressing, and punishing corrupt acts on the part of your opponents. Appeal to the courts, let your expenses be in the courts. Let the courts try the case, and

if the election of your opponent has not been pure, he will suffer, and you will gain in consequence of this corruption. That was the principle upon which the election of 1871 was carried, and that was the principle upon which the election of 1872 would have been run had the hon. gentleman permitted it. But, Sir, although the hon. gentleman affirmed solemnly to this House, in 1872, that the Election Committees were satisfactory tribunals, and though he induced this House so far to believe him as to leave the trials of elections to these Committees; yet the hon. gentleman in his evidence has told us—and I know of no instance in which a public man has been so completely and unequivocally condemned out of his own mouth—he has told us in his evidence that corrupt and illegal expenditure made unlawful by laws for which he is chiefly responsible, had existed, and would continue to exist, because of the utter ineffectiveness of the tribunal which he had so perseveringly maintained. He said that the expenditure for hiring teams and for entertainments was illegal, and yet was universal. According to the hon. gentleman's reasoning, everybody did it, and as no one could expect that five members, each of whom had treated and hired teams, would adjudge the seat of another member void because he had treated and hired teams, therefore these breaches of the law were never complained of, and the statute remained inoperative. This is the hon. gentleman's own statement, this is his own description of the tribunal which he imposed upon this country for the late elections. Upon page 119 of the evidence, where one of his colleagues was cross-examining him, the first Minister testifies that he believed the practice of hiring teams and treating was universal, and that he had never known of any serious contest before an Election Committee on the ground of such expenditure. The hon. gentleman tells us that during his 40 years' experience in elections, during that 40 years of painful travel through the wilderness, now so soon to end, he had found that tribunal so utterly ineffective, that the law upon the statute book which declared this system of treating and hiring teams to be illegal, was a dead letter—was violated with impunity. And yet the hon. gentleman declined to change that tribunal, and declared it to be a good tribunal, by refusing to us the trial by judges. How does it, may I ask, lie in the hon. gentleman's mouth to say he was forced into a large expenditure, in these elections? If there was a large expenditure, he himself forced it. He caused it by two means—first by insisting upon retaining the law which he acknowledged to be utterly ineffective, and secondly, by procuring these funds from Allan, which, it is clear were only a part of the large election fund which the hon. gentleman collected. I do not know anything about it. I was absent from the country at the time. I spent no money, and I was elected in spite of the opposition of the hon. gentleman, and I defy him to defeat me by any expenditure of money; but if there was a large expenditure, he is the last man in this country—he who arranged at an early period for the expenditure—he is the last man to complain pitifully, and say, "I was forced into spending money at elections which I would not otherwise have done." Why,

An Inconsistent Argument.

Sir, the hon. gentleman, who, at the commencement of last session, was so impressed with the importance of keeping within the law—of not infringing in any way upon the jurisdiction of Election Committees, that he would not permit this House to render justice to the people of West Peterboro', that he told the House they must not even temporarily seat the man who had the majority of votes, but must allow the man who was rejected by the people to sit and vote, because the only salvation of the House was to leave all these things to Election Committees—the hon. gentleman who then found such virtue in an Election Committee when it was to give him a vote or two, now proposes in his desperation that we should sweep away all Election Committees and make arrangements for a new Commission of three judges, to be chosen by lot from the benches of all the Provinces, who are to come from Halifax and Victoria, and to perambulate the land

from Dan to Beersheba, searching out all the iniquities that have taken place, and that we should put the seats of all the members of this House at the disposal of those gentlemen. Personally I can have no objection to as many Commissions as the hon. gentleman pleases to ask for, but I very much doubt whether some highly respectable gentlemen on the other side are ardently desirous of such a Commission. I extremely doubt whether many of these gentlemen feel grateful in their heart of hearts to the hon. gentleman for suggesting such a scheme. Well, Sir, when he proposes it we shall discuss it. If there is to be a Commission—if all the cases which have been disposed of by the Election Committees are to be thrown open; if those in which no petitions have been presented are to be investigated; if those which are before Committees are to be withdrawn from their cognizance, let us, at any rate, have a Commission that will do speedy justice. If this Commission is to perambulate the land, Parliament will expire before half the constituencies are dealt with. But, of course, the hon. gentleman will take the Ministerial members first, and will allow the Opposition to point out the order of their going! This proposal, which is thrown out as a bait to lead the House away from the topic, is simply another instance of the utter absence of consistency which the hon. gentleman exhibits in his arguments to this House. One moment the Election Committee is the palladium of our liberties; the next moment a Commission of three men, to be chosen by ballot, is to supersede the Election Committee. Sir, the hon. gentleman ought to have abstained from very shame from such an argument. The hon. gentleman has said that, being pressed by the enormous expenditure on the part of the Opposition, on the part of my friend from Lambton who seemed to have found some mine of silver or of gold, the locality of which the hon. gentleman did not point out, he was driven to do what he would gladly have avoided. I have pointed out that the hon. gentleman's scheme was concocted when he refused a pure law for trying elections. I proceed to point out that he knew that the consequences of that refusal were that money would be spent, and he intended to spend the money. Before he and Sir George Cartier left Ottawa, as appears by his own evidence—before this frightful expenditure on the part of the Opposition had set in at all—before the writs were issued—before the alleged difficulty had arisen, the hon. gentleman was already preparing to obtain means to corrupt the people of this country. On page 104 of the evidence, he says:—"When Sir George Cartier and I parted in Ottawa, he to go to Montreal, and I to go to Toronto, of course, as leading members of the Government, we were anxious for the success of our Parliamentary supporters at the elections, and I said to Sir George Cartier that the fiercest contest would be in Ontario, where we might expect to receive all the opposition the Ontario Government could give us and our friends at the polls. I said, 'You must try and raise such funds as you can to help us, as we are going to have the chief battle there.' I mentioned the names of a few friends to whom he might apply, Sir Hugh Allan among the rest, and that he was interested in all these enterprises which the Government were

Looking to Sir Hugh.

bringing forward." At that early day, before there was any pretence for Opposition expenditure, he had seen that, to carry Ontario, he would want more than his personal presence, more than his personal influence, more than the patronage of his Government, more than the arguments which in the open face of day a man may fairly address to his fellow-countrymen. Yes, it would require more! It would require Sir Hugh Allan's money! But not Sir Hugh's alone. We hear hon. gentlemen say, "What is \$45,000?" Does the Minister pretend that was all he got from all sources for the elections? No, he acknowledges he got more. He says he got some friends in the West and in various quarters to contribute moneys to an amount which is not in the slightest degree indicated. This \$45,000 is a part—a part only—of the election fund; but it is a portion obtained by an abuse of the trusts and powers of the Government, in order to help out the political subscriptions of their friends. At that time

the Minister confesses he thought of Sir Hugh Allan. He knew that gentleman was interested in the enterprises which the Government were forwarding, amongst others the Pacific Railway, and he thought of Sir Hugh Allan; but both he and Sir George Cartier knew that instead of Sir Hugh, in his present frame of mind, being at all likely to "shell out," as he expressed it, that personage had established a combination, and achieved a position which would enable him to ruin, and which he intended to use for the purpose of ruining the Government of the day unless they should yield to his terms. This great contractor, this powerful man, had raised himself to such a position that the confidence of a number of leading men and intending candidates would be given or withheld from the Government as he should decide. At that moment he was exercising his influence in an unfriendly spirit; at that moment he was raising a feeling of hostility against the Government, because they were not yielding to his views; at that moment he was exciting discontent and suspicion, and sowing discord in the ranks of their supporters, and was making his power felt, as the evidence shows. This friend of the Government, as the hon. gentleman called him, was far from being a friend, but he was willing and honest enough—if the word can be used in connection with his name in any sense—honest enough to declare his willingness to sell his influence, to support the Government which he was attempting to destroy, and to calm the tempest he had raised, if he could only be secured in the object of his desires, and what that object was is easy

Allan's Letters.

to be seen! I am not going to investigate the subtle question how far Sir Hugh Allan's letters are evidence in this case, but I think any man of common sense will agree with me that letters written at the time, with perfect frankness, upon the subject of pending transactions, are, where they are not distinctly contradicted or explained away, the best evidence of what the facts were at the time the letters were written, infinitely better evidence than is to be gathered long after from the lips of a man who confesses his failing memory, and his changed views and inclinations. I quite admit that a hostile witness may be brought to such a point as to establish the falsity of his letters, but if you want to establish the falsity of his letters, you must not treat him in the tender manner in which the Commissioners and the Government have treated Sir Hugh Allan. You are bound to make him state wherein his letters were false. With reference to every particular of which you fail to obtain a distinct denial, you must take it for granted that the letter is true and cannot be denied. It is utterly impossible for gentlemen to say, because Sir Hugh Allan speaks of inaccuracies which apply to letters written in the confidence of private intercourse—as if he only told the truth in public and regularly lied in private—it is utterly impossible with a general phrase of that kind, to answer the stern demand of justice upon the man who comes forward and insinuates that his letters were falsehoods. That stern demand requires, however unpleasant it may be, that there must be an explicit denial. These letters bear on them the marks of truth; there are, probably, some inaccuracies in them, but they are not inaccuracies which affect their substantial truth; and as no one else feels disposed to say a good word for Sir Hugh Allan, I will say I do not believe he was lying to his partners in the gross manner stated by gentlemen opposite. But for the purpose of my argument, the letters are not necessary. I am content with the sworn testimony. Well, these gentlemen knew that their friend, Sir Hugh Allan, was raising an unfriendly feeling towards them, that he held a great influence in his hands, sufficient, though he should spend no money, to accomplish the failure or success of the Government. This great influence was to be propitiated—Sir Hugh Allan was to be conciliated before Sir Geo. Cartier could hope to get the money from him, and so the hon. gentleman endeavors to make an arrangement between Sir Hugh and Mr. Macpherson. He says he met Mr. Macpherson in Kingston about the 26th of July, and after failing to make terms between the two

he telegraphed to Sir Geo. Cartier that he might assure Sir Hugh Allan that the power of the Government will be exercised to secure to him the Presidency

What He Wanted.

of the Company. The hon. gentleman now says: that Sir Hugh Allan wanted something more. It was this, and this only, that in case an amalgamation should fail, the contract should be given to his Company instead of to a new Company. That was the only further point he wanted, whereas the position of the leader of the Government was that a new Company should in that event be formed. I need hardly tell you that the purposes of Sir Hugh Allan might be quite as well answered by the formation of a new Company as by his own plan. What he wanted was the control of the Company; and it would suit him just as well to control a new Company as the Canada Pacific Company. But it would have been inconvenient for the Government to give any positive pledge that the control should be given to that identical Company which had been set up as a Quebec Company as against an Ontario Company. In this particular alone, comparatively unimportant, Sir Hugh Allan wanted more. He got more, I know not exactly what, but something more, and here I come to a point on which I may fairly say the Commission has performed its work in a perfunctory manner. On the 30th of July Sir Hugh received two letters from Sir George Cartier. In the long letter it is expressly stated, "I enclose you *copies of telegrams* received from Sir John A. Macdonald, and with reference to *their contents*, I would say," &c. The House will see that the plural is used. The House will observe there was more than one telegram received from Sir John Macdonald bearing upon this subject, which it was necessary to communicate to Sir H. Allan as part of the authority upon which action was being taken by Sir George Cartier, and yet only one has been produced, nor is any question asked of the First Minister, or of Sir Hugh Allan or of Mr. Abbott, each of whom could have told us what the other telegram was. What are we to conjecture? Are we to say, in the face of that palpable failure on the part of the Commissioners to do their duty—in the face of that plain, palpable failure on the part of the Ministers to make a full unreserved statement of every thing, are we to say that the bottom of this matter has yet been reached? Are we to say, as the hon. gentleman has contended, that a favorable inference is to be drawn, though an important telegram has

Failure of Justice.

been concealed? Mark another failure of justice. Let me draw your attention to the pitiful attempt which was made to explain two words in the shorter letter. The words of that letter were, "any amount which you or *your Company* shall advance shall be reconped." The pitiful attempt was made by Sir Hugh Allan, in his evidence, to suggest certain explanations, without being able to deny what the true meaning of the words, "*your Company*" was. The Minister of Justice, who knew that the original draft of that letter was drawn, that the copy produced before the Commissioners was written by Mr. Abbott, who is a sound lawyer and knows the use of language and the meaning of every sentence and every word, yet did not ask Mr. Abbott a single question on this point. Nor did the Commissioners. They enquired of Sir Hugh, who could not explain it; they say nothing to Mr. Abbott, who could! Can you doubt the reason? It was because they knew perfectly well that Mr. Abbott must answer—"the Pacific Railway Company." But, Sir, the answer is demonstrated upon the face of the letters themselves. These two letters were prepared at the same time by the same person; they had reference to the same transaction; a phrase is used in the one, and that identical phrase is used in the other. Nor is there any law of evidence better known to legal gentleman or better recognized by intelligent men, than that the same phrase used in different parts of a correspondence—at the same time; upon the same transaction, means the same thing. In the letter of Sir George Cartier to Sir Hugh Allan, of the 30th July, we find the words, "*Your Company*," occur thus—"Dear Sir

Hugh, I enclose you copies of telegrams received from Sir John A. Macdonald, and with reference to their contents I would say that in my opinion the Governor in Council will approve of the amalgamation of *your Company* with the Inter-oceanic Company, under the name of the Canadian Pacific Railway." And then he goes on to speak of the constitution of the Board, the powers of the Company, and so on. Sir, in the other letter written by Sir George on the same day, we find that identical phrase occurring in reference to the money, thus:—"Dear Sir Hugh, the friends of the Government will expect to be assisted with funds in the coming elections, and any amount you or *your Company* shall advance for that purpose shall be recouped to you." But of course the two Companies referred to in these two letters, written and signed at the same time, were not the same! I do not know what Company was meant. We are not told in the evidence what Company was meant, but it cannot mean "that Company." Why, Sir, if it were made to mean that, it would condemn the Ministry, and this is a conclusive argument against such a construction! The whole evidence upon the subject of these two letters demonstrates that they were one transaction. A conference took place between Sir Hugh Allan and Sir George Cartier, by appointment. These very telegrams were produced. We are not told how they were produced; but they were produced, and they formed the subject of discussion. Sir Hugh Allan wanted something more definite, and Sir George Cartier was willing to give him his own assurance for something more definite. The wily contractor understood that he was obtaining the sanction of the First Minister for all that was in the telegrams, and the assurance of Cartier for something more; and after discussing what the terms should be, he suggested their reduction to writing, and it was arranged that the process of so reducing them should take place at a subsequent meeting, meantime that a draft should be made, and the transaction afterwards completed. Sir, at that first interview, Sir George Cartier brought up the subject of money to help at the elections. Before he put his hand to the fatal bond; before that bond was written; before he surrendered his liberty of action; while yet his Government and himself remained in a position in which they could give even-handed justice with regard to the ward of this contract; while yet an unfavorable answer might have crushed the hopes of the contractor, and a favorable answer was necessary to his success, Sir George said, "Don't you

Allan's Influence.

intend to help us in the elections?" Now, Sir, we have heard of Sir Hugh Allan's great influence, what a powerful man he was. How did he conjecture what was wanted? Did he say, "Oh, yes, I will exert my influence for you. It is true I have been exciting the country against you, but I will soothe all that down. I will tell my friends you intend doing what is right, and I will thus make them your friends." Was that what he said? No, Sir, not that, but something quite different. It was—"How much?" It appears from the evidence of Mr. Abbott—which, under the circumstances, I am disposed to accept, without withdrawing the compliments I have paid to Sir Hugh Allan, as the more credible, that no sum was named; in fact, I suppose it was to be just as much as was necessary to corrupt the country sufficiently to enable the Government to fulfil their bargain. According to Mr. Abbott's evidence, all that was said about the money was that the arrangement as to it should be put in writing, and Sir George said if Mr. Abbott drew out the paper it would be signed, and the whole matter—mark it was all one matter—could be completed. Then those two worthies go down to their den of iniquity to concoct their papers. There both the letters are drafted, and they return to Sir George Cartier together. These letters are both presented at the same time to Sir George Cartier. He reads them over, he makes some objection to the last page of the long letter. The paragraph is altered. He changes the draft of the shorter one. Mr. Abbott writes it out for him, and then both are signed. Both are signed at the same time, and the bargain is struck, so far as those two gentle-

men can strike it; and yet men of common sense are heard to say that this was not one transaction—that there was one bargain about the Pacific Railway, and that the money matter was an independent political subscription, quite apart from the Pacific Railway matter. Sir, I shall not insult the intelligence of this House by arguing upon this point. Every man should put it to himself, should consider it with reference to his own private business relations. Every man ought to put himself—if a man should be asked so far to degrade himself—in Sir Hugh Allan's place, and fancy what he must have thought—whether he must not have thought that the whole matter was one bargain. I will not waste time in meeting the technicalities which I have heard raised upon this point, but I will simply point out that the law would regard these two matters as portions of one transaction. There would be no controversy in the courts, but that it was a bargain, and a bargain by which assurances were given on the one hand and the money was given on the other. Supposing there had been no letter, would that have prevented the whole bargain from being carried out? Will hon. gentlemen argue that a contract unwritten was not a contract? Sir, it would be perfectly preposterous, and the writing of the two parts on different slips of papers leaves them still two parts of the same transaction. The hon. gentleman, however, alleges that he repudiated that contract, and that the letter of the 30th of July was withdrawn. I deny it Sir, and I undertake to prove, to the satisfaction of every man whose mind is not closed to argument, that it is utterly untrue. Before I pass to the telegrams which passed upon this subject, let me call your serious attention to the fact that we have but the oral statements of gentlemen as to the terms of the telegram of Sir John Macdonald, which gave rise to the two telegrams which I am about to refer to; and, Sir, I maintain that no proper exertions were made, no proper questions were asked, in order to elicit the truth as to that telegram. I maintain that, if it was of importance to this enquiry at all, the Commissioners ought to have gone much further than they did. Who can doubt that Sir Hugh Allan had a copy of that telegram? He speaks of it in his evidence, he refers to it, but he never was asked for it. Who can doubt that Mr. Abbott knew about it? but he was never asked its whereabouts; who can doubt that it was among Sir George Cartier's private papers? but although the custodian of these papers was well known, he is never called upon or brought forward; and all that we know about that telegram from the evidence is what the witnesses supposed it to have been, without a single endeavor to have it produced. But if we have not the telegram we have the answer. Let us, Sir, take that answer of Sir Hugh Allan's. "I have seen Sir George Cartier to-day; you may return my letter or regard it as waste paper. It was not intended as anything official." But, the letter referred to in this despatch is the letter of Sir Hugh Allan to Sir John Macdonald, not the letter of Sir

The Corrupt Agreement.

George Cartier. But what does Sir Hugh say further in his telegram to Sir John:—"Your telegram to Sir George Cartier is the basis of our agreement, which I have no doubt you will approve of." Why, this speaks of "our agreement!" What agreement? What agreement, Sir, but the letter of the 30th July. But why this form? What was its purpose? Sir, its purpose we well understand—its purpose was that the First Minister might be able to say he had never sanctioned the clause as to giving the contract to the Canada Pacific Company instead of a new company. Sir Hugh Allan withdraws his own letter, and says it was not intended as anything official, but he sticks to the agreement with Sir George, and says—"Your telegram is the basis of our agreement." Let me turn to the telegram of Sir George Cartier to Sir John Macdonald of the 30th of July and see what it says:—"Have seen Sir Hugh. He withdraws his letter written you since you make objection to it, and relies for the basis of arrangement on your telegram to me, of which I gave him a copy." Does this telegram say that the letter to Sir George Cartier was withdrawn? Sir, that letter was never withdrawn, and the First Minister knew it. He knew it, be-

cause it was not proposed to be withdrawn. On the other hand, he knew that the agreement was continued, for Sir Hugh Allan expressly said in his despatch, "Your telegram to Sir George is the basis of our agreement." Let me now turn to the letters of Sir Hugh Allan of the 6th and 7th of August, on pages 207 and 208 of the evidence, in which, with various other details, he states that "an agreement was entered into yesterday." Sir, that letter is substantially true, if the letter of Sir George Cartier had not been withdrawn; but it is false, utterly false, if the letter had been withdrawn. Therefore, the written evidence of Sir Hugh at the time corroborates the proposition that the letter of Sir George

Sir Hugh's Conversion.

Cartier was not withdrawn. But, I have more evidence yet. On the 9th of August Sir Hugh Allan attended a public meeting, these terms, as it would appear, having been then recently arranged; and I must say that everything points to something having been said, done, and talked over between the 30th of July and the 6th of August, which we have not yet heard of, because on the 6th and 7th of August the letters of Sir Hugh speak of an agreement made "yesterday," and on the 9th you find Sir Hugh speaking at a public meeting. Had the public speeches of Ministers, and the effect of their great policy, prevailed upon him? Did he, from motives of patriotism, think it was his duty to rise up and support the party who had done so much for the country? Was he swayed by the arguments of the First Minister with reference to Nova Scotia and Manitoba, and the other Provinces which he had brought into the Union; or did he come out and speak out because he had learned of the earnest and patriotic desire of the Ministers to uphold British connection, which is their only object in clinging to their places? Had these many virtues, as sometimes happens even with an old man, as sometimes happens even with a man of such deep-seated convictions as Sir Hugh Allan, persuaded him of the error of his ways, and caused him to come out and support Sir George E. Cartier, whom he had but a few days before so bitterly, so effectively, opposed? Let me read you his words on the hustings, at Montreal on the 9th August, at Sir George Cartier's nomination, "You are aware," he says, "that two rival Companies have been contending for the contract to build the Pacific Railroad. The policy of the Government is to have these two Companies amalgamated, and then to give the contract to the Company thus formed." You observe that in the meantime it was stated that there would probably be an amalgamation, and at any rate it seems to have been thought better to leave to the future the consideration of what was to be done if amalgamation should not take place. He goes on to say, "The terminus to be at or near Nipissing, and arrangements are in progress for the construction of a branch from there to Hull, where it will join the Northern Colonization Railway, thus virtually bringing the terminus of the Pacific Railroad to the east end of the city of Montreal. Measures to secure this amalgamation are already in progress. Your representative, Sir George Cartier, coincides with me on all these points, and in the basis of arrangement, which he has agreed to, and commends to his colleagues in the Ministry on the Pacific Railroad question, they have been carefully kept in view." Sir, this is a public declaration, made alongside of Sir George Cartier by Sir Hugh Allan, who it appears had undergone a change of feeling, so far as Sir George was concerned; that the basis of an arrangement had been arrived at between them, which the latter had agreed to recommend to his colleagues. But he says still further—of course you know that it was only "the basis of an arrangement" that had been arrived at—but I am satisfied that if the views expressed by Sir George Cartier are adopted by the Government, as from their reasonable nature there is every reason to expect they will, the interests of this city and Lower Canada will be secured, while, at the same time, every consideration is given to all the other Provinces in the Dominion. I think no time should be lost in getting the contract prepared, and signed as soon as the Government can meet. I have every reason to be satisfied with what Sir George has done,

and I believe the results will be approved by all. A speaker at one of the political meetings in this city last week, ventured to insinuate that in my negotiations with your representative, I was contending for the interests of the lines of steamship with which I am connected, as much as for the railroad. This statement is entirely void of truth. I assure you, gentlemen, that the subject of steamship or mail contract never was alluded to in any of these discussions, directly or indirectly, and I appeal to Sir George Cartier himself to confirm the statement I now make—that I have made no attempt in any way to connect the Steamship Company or its vessels with the subject discussed. The railroad, and that alone, has been under consideration." I am afraid, Sir, I am obliged to retract some of the observations I made with reference to the questions of high public policy which induced the conversion of Sir Hugh Allan. I am afraid my recollection was

Sir Hugh's Motives.

inaccurate, and that I must now admit that at this time my friend Sir Hugh Allan was not animated by those high motives, but by the consideration, "How am I to get the contract for the Pacific Railway, or the Presidency of the Pacific Railway Company?" But it is said that in fact he got nothing. Was the Presidency nothing? Was the telegram nothing? Was the basis of agreement nothing? Let us look at this for a moment. What did the contending parties think of it; what did Mr. Macpherson think of it? Did he think it was nothing; that it was all the same whether he was at one end of the board of thirteen gentlemen or the other? Did he think that the President would have no more influence, no more weight than his personal position would give him as a Director at the Board, and that, if not President, Sir Hugh Allan would exercise as much influence? He thought nothing of the kind; everything shows that the question of the Presidency was a vital question. It was what Sir Hugh Allan wanted; it was what Mr. Macpherson did not want him to get, and what he was determined he should not have. Was it anything or was it nothing? What was Sir Hugh Allan doing before he got that offer. What did he agree to do in consideration of that offer? And what has he done on account of that offer? Sir, as I have said, it was in consideration of that offer, and not until he came to an arrangement with the Government by which he was assured of that offer, that, till then hostile, he turned round and supported them, and furnished them with a large sum of money to corrupt the electors of this country. And yet hon.

Sir Hugh makes his Bargain.

gentlemen will have us believe that it was nothing at all. It is enough for us to know that Sir Hugh Allan and the Government thought it was something; that he fought them until he got it, and that he then helped them; that he got his terms, and gave his price. Look at the contract; what was his bargain? It was one which was of sufficient importance to induce him to make an expenditure of extraordinary sums of money. But does he intend to pay that money himself. No, Sir; he makes a contract with the Americans; they arrange to take \$5,500,000 out of \$10,000,000 of stock, Sir Hugh taking the remaining \$4,500,000, but the Americans paying 10 per cent. on the whole \$10,000,000, the profits of the enterprise to be applied in the first place to recoup this expenditure, and afterwards to be divided in proportion to their interests. They were thus to pay at once for his benefit \$450,000, and in the end he was to be saved from the expenditure of a single dollar. The Company had paid \$40,000 for preliminary expenses. The hon. gentleman says the preliminary expenses in starting any company exceed \$40,000. Sir, that may be; the hon. gentleman has had more experience in that direction than I have; but you, Mr. Speaker, know it only requires \$100 to pay the Parliamentary expenses of getting a Bill through this House. But perhaps the idea of the hon. gentleman is, that preliminary expenses in all cases include not only the expense of legislation in this House, but the subsidizing of newspapers and individuals. If that is his idea I congratulate him upon his notions of purity and morality in these matters. But besides those preliminary expenses, Sir

Hugh Allan was prepared with ammunition, to be furnished him by the Americans—ammunition which he would not “waste upon inferior Ministers”—such as some of those I now see before me. Look, Sir, at his letters to the Americans, letters which the hon. Minister of Finance rightly pronounces to be infamous. In one of these he says, “I have had letters from England offering to take the whole thing up, but it looks to me to be too good to part with readily;” but he is willing to give the contract to Americans, with whom he thinks he can do better than by selling it in England. The evidence establishes that on the part of Sir Hugh Allan this was merely a mercantile transaction, a gigantic scheme by which he might make a great deal of money, and some reputation. I dare say he has lost some money, and I am afraid his reputation has suffered. Now, Sir, the hon. gentleman has said he was responsible for the action of his colleague, Sir George Cartier, in this transaction. I rejoice to hear the honorable gentleman make that declaration, because the announcement made on the 21st July, was in contradiction of that view, and to attempt to thrust the odium on Sir George Cartier would have been a most unjust and most injurious, if not a most unconstitutional proceeding. How was the money ob-

How was the Money Obtained.

tained by which the hon. gentleman retained the position he now occupies? How was the money obtained which got him the supporters in Ontario and Quebec on whom he now depends? It was obtained by Sir George Cartier, at the honourable gentleman's own instigation. Before the pair left Ottawa, Sir John had told him to get the money from Allan; thenceforward both of them were engaged in trying to come to terms which might enable them to obtain it from Allan, on the 26th July, the hon. gentleman telegraphs the terms he thinks acceptable, and by virtue of that telegram he obtains the money. The hon. gentleman says the telegram was despatched on the 26th, before there was any talk of money. No, Sir, the conversation in Ottawa was long before that telegram was despatched. The hon. gentleman says the Government are not bound by Sir George Cartier's action, but they accept the responsibility of it. The hon. gentleman knew he had to assist in making Sir George “all right” with Sir Hugh before money could be got. He knew Sir George and Sir Hugh were at arm's length, and that to obtain Sir Hugh's assistance they would be brought arm in arm, and when this was done he got the money which could only be got by coupling these two gentlemen. And yet he dares to say the telegram was entirely unconnected with the question of money. Some people say this money was given as a subscription. I have pointed out the words “advance” and “recoup” in the shorter letter as proof that this is not the case. It is perfectly plain that that document was so framed because Sir Hugh wanted these men to be under an obligation to him, he wanted to make them his bondslaves, he wanted to put them in a position in which he could say, “Gentlemen, one hundred and sixty thousand dollars, if you please. I advanced you the money, and you promised to recoup me. Of course, there was an understanding that if I got the contract and the Presidency I should cancel the advance; but I did not get the contract or the Presidency, and I insist upon repayment.” He did not expect to get the money, only because he knew he would get a consideration for it in the shape of the contract or the Presidency. To say that these words are of no account is absurd. They were a part of his plan to get the Government in his power, and, in order that there might be no misunderstanding afterwards as to the price they were to give for what they were receiving at his hands. “An election subscription,” forsooth! When you or I, sir, or any other member of this House subscribes to a church or a charity, or to any of the purposes for which subscriptions are asked, we do not expect to be repaid; we do not call it an advance; we do not bargain for recoupment. We give the money and there is an end of it. I suspect it is the same with election subscriptions. But this, as I have shown, was altogether different, and I must do Sir Hugh the justice to say that he never calls this a subscription. The advance put these gentlemen completely in his power.

They prate about their sacrifices in the service of the country, they say they are poor men all. If so, how could they repay \$160,000? And if they could not, were they not hard and fast in Sir Hugh Allan's hands?

It being six o'clock the House rose for recess.

After recess,

Mr. BLAKE resumed the debate. He said:—I was pointing out that circumstances demonstrated that the object of Sir Hugh Allan in these transactions was to secure the contract, and that it was thoroughly understood that he was so secured in return for what he was doing for the Government. I also pointed out that it was sufficiently apparent that the colleague of the First Minister was acting by the instigation of the

Sir Hugh has reasons.

First Minister himself. On that question, let me refer to the passages in the evidence of the First Minister, which are to be found in the 116th and 119th page of the Commissioner's report. Question—"Had you any reason for mentioning Sir Hugh Allan's name beyond that which actuated you in mentioning the names of the other gentlemen?" Answer—Yes, I had. I thought Sir Hugh Allan was especially interested in getting a railway Parliament returned, and that he was interested in sustaining the Government which would carry out the railway policy which they had inaugurated." Then the hon. gentleman proceeds to point out the other personal interests Sir Hugh Allan had in the result of the elections, but the speech which I read to you shows it was not a personal interest other than the getting of the Pacific Railway Charter, that moved Sir Hugh. Then on page 119 the First Minister says, "I have no doubt Sir Hugh gave these subscriptions for the one object of sustaining the Government and their railway policy in connection with the Pacific Railway, he being assured that that policy would be sustained with the influence and power of the Government if it remained a Government." It was in order to secure the material advantages which would result from the obtaining of the charter that this advance was made. Sir Hugh Allan's interest in the elections was not political, but was that of an expectant President and contractor. I have heard it argued that no harm was done, because nothing had been given to Sir Hugh from which the material interests of the country had suffered. Can you suppose that Sir Hugh would give this large sum of money unless he was to get some advantage at the expense of the Government? Could it be treated as a subscription if his views were thwarted and his desires not carried out? But what have we to do with the question what Sir Hugh Allan got? The argument is entirely fallacious. We have to do only with that for which he bargained. It may add to the infamy of the transaction if Ministers, after getting the consideration have cheated their confederates, but that cannot justify the bargain. Men in high judicial positions have been impeached and driven from

Lord Chancellor Bacon.

power for actions less corrupt. One of my hon. friends made allusion to the case of Lord Chancellor Bacon, and I think it appropriate to point out that the argument of the hon. gentleman opposite would have entirely relieved Lord Chancellor Bacon from the slightest imputation. There were two petitions on which the impeachment was founded, one that of Aubrey, who alleged that being a suitor, worn out with delays, he presented £100 to the Chancellor that his case might be expedited, but notwithstanding this offering the Chancellor had pronounced a killing decree against him; the other that of Egerton who stated that to procure the Chancellor's favor he had caused to be presented to him £400 as a gratuity, under colour that my Lord, when Attorney-General, had befriended him, but notwithstanding the present, the Chancellor had decided against him. Upon the petitions it was determined by the Commons, witnesses being examined, that an impeachment should be laid against the Chancellor, and that great man fell on these charges. But according to the modern doctrine of Ministers he was not guilty. They are innocent,

though they gave Allan much for his money, because it was not too much; Bacon surely must have been innocent who gave Aubrey and Egerton nothing at all for theirs! How low have those men fallen who are driven to such base arguments as these! But all history refutes them, and every man's conscience warns him to repel them. Again, there is the Macclesfield case, that of another Chancellor who was charged with selling the Masterships in Chancery. He said he did not sell the offices, he only received presents from the persons on whom the offices were conferred, just as here the Minister says he did not sell the Charter or the Presidency, he only received a present from the person on whom those things were conferred. This case was also decided against the bribed Chancellor. Was the \$160,000 received by the Administration a present? No, it was asked for, haggled for, stipulated for, implored for, begged for in every shape and way. We remember the telegram which has become notorious throughout the land, which says "I must have another \$10,000; don't fail me; last time of calling." Was that a free gift pressed by an ardent political partizan on his chief and leader? Why, Sir, it is preposterous to attempt to abuse the intelligence of ordinary men with such reasoning. The argument of Lord Macclesfield's counsel was that such payments were presents only. It was an argument that failed in that day, and it is an argument that will fail in this day. These gentlemen were trustees for the public, of the power to bestow this great position. They insisted on obtaining from Parliament enormous, extraordinary, and unprecedented powers, and in proportion to the magnitude and gigantic character of the trust and responsibility which they took upon their own shoulders, it became necessary that they should act with the most jealous regard of the public interest, with the most jealous-exclusion of all private interest which might disable them from forming a fair and unprejudiced determination. What would be said of a private person having for sale an estate of which he was trustee, and standing for a constituency, who should say to some intending purchaser, who was competing for the lot, "I will arrange to sell it to you upon such and such terms. We shall not quarrel about the details; but I am standing for the county, and I want you to give me £500 to help to pay my expenses." Who would hesitate to say that the trustee had in effect proposed that he should be bribed, and that he should sell his trust? Could he protect himself by alleging that the transactions were distinct, and that he had made a good bargain for the owner? No, sir! No, sir! One of the first principles of jurisprudence, a principle founded on no technical consideration, but on a recognition of the frailty of our nature, is that you may not place yourself in a position in which your interest will conflict with your duty. What was done by the Ministers! I will put it that Sir Hugh being simply a competitor with others for the control of this great enterprise, the Government asked him for, and he, at their instance, advanced them enormous sums of money to be recouped after the elections—putting the case so low as that, I say they placed themselves in a wholly unjustifiable position. Had the money been obtained for legitimate purposes, for the lawful expenses of candidates at elections, they would not have been relieved of the great difficulty to which I have referred. The Government cannot properly provide funds even for a lawful purpose, by unlawful means, or from an unlawful source; but no man can pretend that these were legitimate expenses. The evidence of the First

Illegitimate Purposes.

Minister, which I have read, demonstrates for what purposes the money was expended. He has told us that the chief expenses were team-hire, and treating, both illegitimate. It is true, he said in his speech last night, "I did not use money so as to endanger any man's seat." But he did not pretend to say that he took care to prevent the expenditure of that money in those unlawful ways, or in others still more corrupt. No one supposed that the hon. gentleman himself would go round to the polling places offering bribes to the voters. The hon. gentleman himself was engaged in the duties of Commander-in-Chief. He was engaged with his hands in gathering in from the coffers of Sir Hugh Allan and

others, enormous sums to be handed over to aid the elections of his candidates; he was engaged with his tongue in solemnly protesting that no Government candidate was receiving, or was to receive from the Government one farthing to aid his election. These multifarious, and consistent occupations, I dare say, filled up his time. And, no doubt, he handed over large sums in gross to others to be applied, if I may borrow a now familiar phrase, "where it would do most good." But the times, and the sums in which the money was obtained preclude the idea that it was used for other than the grossest form of bribery. I am told some of his colleagues, whom I see on the opposite benches, had to do with the details of part of this expenditure, and as the application is stated to be an honest and upright application, I suppose they won't object to say how they applied it. I am sure the House will be glad to hear these explanations at the earliest moment. Sir, the hon.

Equivocation.

gentleman has wholly failed to offer any excuse or even palliation for the statement he made to the people of Canada at St. Mary's on the 19th August. Let me read the *Mail* report, the accuracy of which the hon. gentleman has admitted: He states that he "appealed to Mr. Kidd (the Government candidate,) to say whether he had received or been promised any money from the Government to carry on the contest in South Perth!" Mr. Kidd replied "not a farthing." The hon. gentleman rejoined in these memorable words, "The same answer would be given by every candidate in Ontario if he were appealed to." And yet the hon. gentleman had then received and disbursed in aid of the Ontario elections \$35,000, from Sir Hugh Allan's funds, apart from other payments, and a day or two after procured that last 10,000! Comment is useless, and would only weaken the force of these plain facts. Sir, the hon. gentleman has said that he was driven into a corner in Ontario, that he had the powerful influence of the Government of Ontario against him, and he has charged that Government with having used its powers corruptly to influence the elections. As I have before stated publicly, the hon. gentleman made that charge during the election, and announced that steps would be taken on the meeting of this House to establish its truth. When we met here the hon. gentleman did not vindicate that statement. He never uttered a word about it, nor took any steps whatever to show that he himself entertained the slightest confidence in the truth of the charge; but now, attacked himself, now, brought to bay, now self-condemned, now awaiting judgment in this House, he repeats this stale accusation for which he has never furnished one scrap of proof, and urges it as a reason why his own iniquities should be condoned. The hon. gentleman alleged a sale of timber limits as an instance of the means of corruption used, and that was the only instance he brought forward. I, who am familiar with the administration of public affairs in the Province of Ontario, know that, for a period beginning long before the general election, the system of the sale of timber licenses was one which altogether forbade their use as instruments of corruption, for the sale of these licenses was by auction to the highest bidder. There was no alienation except on these terms, and the statement is so unwarranted that its recklessness will be patent to every person acquainted with the affairs of the Province. But if it were true that the Ontario Government had used corrupt means to defeat the hon. gentleman; if it were true that the Opposition candidates in Ontario used corrupt means to defeat him, I do trust and hope that this House will not so far degrade itself, will not so far fall below its high duty, as to aver that the offences of others are a justification for the great crime committed by the government of this country. Sir, the hon. gentleman's duty was to fight the battle by fair means. He had his candidates, presumably as wealthy as those of the Opposition; he had his private, and personal friends, presumably as wealthy as those of the Opposition; he had the legitimate influence and patronage of the Government, the importance of which he has intimated to this House, when he has more than once talked of the enormous influence and patronage of a Local Government, and if the administration can add to these enormous advantages, which belong to it over the other side, the price of public contracts,

then we may as well at once give up what will have become the force of representative Government. It would be more economical to give the gentlemen in power a perpetual lease of it, than to go through the ceremony of a general election, in which the people's

Evil Precedents.

votes are to be purchased by the people's money. The hon. gentleman has said that these acts are to be vindicated by reference to transactions which have taken place in England. I wonder what they will say in England when they hear that defence of the hon. gentleman. The hon. gentleman has told us that because, in former times, when England was just emerging to a certain extent, at any rate, from corrupt influences, when England was yet familiar with the old borough-mongering regime, when able men, pure, wise, honest, and honorable men, according to the standard of public morality, which at that time prevailed, thought it not indecent to buy a borough, because, in those times, a Secretary of the Treasury received subscriptions from political friends—not, sir, from public contractors, not as a condition of public benefits—to be handed over to individuals, he himself is justified; he compares a Secretary of the Treasury to the First Minister of England; and, because a Secretary of the Treasury received some subscriptions from political friends to help in the elections, he says the First Minister of England would have received, for the same purpose, the price of a contract from a public contractor. There is no comparison between the two cases if the times were the same; but, thank God, they are not the same, and it is discreditable to the hon. gentleman that he should ask us to agree that there has been no advance in the standard of public morality since the period to which he reverts. I rather look to modern English sentiment; I rather look to the wholesome doctrine enunciated in the Churchward case, when the Dover and Calais packet contract was cancelled, because of practices pure as the driven snow, compared with those of the hon. gentleman; nor can any of the gentlemen opposite, who may yet propose to vote for the Government, resist the proposition that if this contract had not been relinquished, they would have felt bound to vote for its cancellation. I believe a large majority would have felt bound to do that, and yet I defy those who would have voted for the cancellation of the contract to show a ground upon which they would have so voted, which does not also form a ground for the condemnation of the Ministers who signed the contract. The hon. gentle-

What was said in England.

man adverted to English opinion. If he desires to advert to English opinion, let him look at the tone of the English press. I am not one of those who are disposed to bow down and worship English or other outside opinion, whether it be the opinion of law officers or the opinion of newspapers, but no man can deny that the unanimous conclusion of the press of a free country upon the character of a political transaction gives you the fairest indication of what the national opinion is, of what the national standard of judgment is, with reference to that transaction. There is no doubt that the best test of the English view of this transaction, apart from party views, or views swaying opinion in favor of the Ministers is to be obtained by observing the tone of the English press. Yet that tone is one of universal reprobation. Waiving all questions of a bargain, looking merely at the avowed relation between Ministers and Sir Hugh Allan, the tone is one of universal reprobation, and therefore we have a very good guide as to what English opinion is; and since the hon. gentleman is pleased to refer to old English transactions, as his justification, I point him to modern English opinion as to this transaction. All these acts were done, the hon. gentleman tells us, for what purpose? For that high and holy purpose for which alone his Government has maintained itself in power—to preserve the connection with England! The great policy of this Government—to preserve the connection between the mother country and Canada—necessitated and sanctified these acts! On what is the connection based? It is based on mutual affection, which cannot exist without mutual respect. So soon as we find ourselves confessing that we belong to a lower scale in the rank of

nations; so soon as we find ourselves publicly acknowledging that a different code of political morality must exist here from that which exists in England; so soon as we pronounce ourselves unable to sustain the same standard of political purity and morality which is there administered, I say, Sir, the moment that we shall make that confession, 'if unhappily for our country we should be determined to make it, that moment one of the

British Connection

greatest ties of the connection is destroyed. We are not at this time politically upon an equal footing with those of our fellow-subjects who inhabit the British Isles. They have the absolute control of a portion and no insignificant portion of our affairs; if you are to add to the political inferiority a personal inferiority, and if you are yourselves to mark that personal inferiority—if you are to say that that may be done in Canada which would make our heads hang down with shame in England; then I would like to know upon what basis we can hope for the subsistence of a connection which rests upon mutual affection? If we become objects of contempt, we shall deserve to be cast away; if we lose our self-respect and the respect of England, how can we hope to attain that to which the hon. gentlemen opposite do not seek to aspire, but to which I confess I do aspire—the possession of the full measure of a Briton's rights? How can we claim those rights if we endorse the action of the gentleman opposite? How can we, with those doctrines of Government, with those notions of political morality—how can we ask England to give us our proper portion in the control of foreign affairs? We dare not do it, we cannot do it; we are under a ban unless we purge ourselves. Sir, if the hon. gentleman wants to preserve the connection, he will resign his office; if this House wants to preserve the connection, it will turn him out of his office, and so tell him, tell England, tell the world at large, that we in Canada are governed by the same principles of political morality which govern the English people. Mr. Speaker, I know too well the influences by which the elections were carried, so far as Ministers did carry them. I know also what influences prevail to a large extent in this House. I am not prepared to go the length to which the Minister of Customs went with reference to his supporters, but it cannot be denied that his House is, to a certain extent, aye, to a large extent, a purchased and a tainted House. Gentlemen opposite have said that every one of their supporters is branded with Sir Hugh Allan's mark. The Minister of Customs told us that the amount given by Sir Hugh Allan amounted to a trifle divided among eighty-eight constituencies. He told every man behind him who was returned for Ontario, that he had tasted of the accursed thing, that he had partaken of this money in securing his election. I do not believe that. We all know that a great many of the constituencies were carried by acclamation, and in others the contest was merely nominal. Nor is it probable that in these cases much money was spent, unless perhaps to buy off a competing candidate. By these we may reduce the area over which Sir Hugh's dollars and other funds were distributed, but, all said and done, there is no doubt a considerable element of truth in the statement of the hon. gentleman. I am not disposed to quarrel with it; I am disposed to let him and his followers settle that between themselves. All I can say is, that though I do not advance the wholesale accusation he made against his friends, though I am prepared to believe there are some of the supporters of the Government who did not receive any of this money, yet there are many, too many, who did, and I can understand the answer that a Minister may give to those of their partizans to whom they have advanced money, and who may now be saying, "this is a very black business. We do not see how we can give this vote." I can quite understand the answer to those gentlemen. "What right have you to say so? You took the money, and now, forsooth, you are going to blame us who got it for you. You are equally responsible with ourselves." Some such pleasant conversations, no doubt, have taken place, and some men, I am convinced, will vote upon this occasion, knowing that they had carried their elections with Government money, and thus feeling bound to say that the transaction which procured it for them was an honorable transac-

tion. That is the unfortunate position with reference to both Ontario and Quebec. But for that, I have not the slightest doubt the majority against the Government in this House would be much larger than it is to be on the motion of the member for Lambton. As it is,

Influences at Work.

however, it will be sufficient for the occasion. Other influences, I am aware, are being used to diminish our numbers; I would fain believe that they will not be successful. I am loath to suppose that it should ever be said of a Canadian Parliament, what a poet of the neighboring Republic has said of the representative body of that country, when he described it thus:—

"Underneath yon dome, whose coping,
Springs above them vast and tall,
Grave men in the dust are groping
For the largess, mean and small,
Which the hand of power is scattering,
Crumbs that from its table fall.
Base of heart, they vilely barter,
Honor's wealth, for party's place,
Step by step on freedom's charter,
Leaving foot-prints of disgrace,
For the day's poor pittance turning
From the great hope of their race."

I will not believe it. I will not believe that any such influences as we have reason to know have been used, and are being used, can be successful here. It is true there may be men sitting here and voting here with the promise of office and preferment in their pockets. We have men who vote here to-day who may, for all we know, be Governor's to-morrow, or who may be officers in various departments to-morrow. We have men who may be so influenced, but I hope they will not be so influenced, for I say, not in any spirit of rhetorical exaggeration, but as my sincere conviction of the truth, that the name of every man who shall vote against the proposition of my hon. friend from Lambton will be a marked name, a disgraced name. (Cries of "order.") Hon. gentlemen seem moved by that remark. It might not be Parliamentary for me to say after the vote that the vote was a disgraceful one unless on a proposition to rescind it, but it is perfectly legitimate for me, before the vote is taken, to express my opinion of the vote and of those who are to give it.

Mr. ALMON—And we will take it for what it is worth.

Mr. BLAKE—And I venture to say, standing here as an humble member of this House, known not to have any aspirations for office, that the hon. gentleman will find before many

The End of Corruption.

hours are over, that it is worth a good deal. I believe that this night or to-morrow night, will see the end of 20 years of corruption. This night or to-morrow night will see the dawn of a better and a brighter day in the administration of our public affairs. I am not concerned to answer—I disdain to answer the foul and reckless charges which the first Minister hurled against individual members on this side, and against this side as a whole. My best answer is by my abstinence from such charges against gentlemen opposite. I have endeavored, so far as I could, to confine myself to fair statements of the facts, and to fair deductions from those facts. I have expressed plainly, as it was my bounden duty to do on this important occasion, my views of the political situation. I have said, and I repeat, that the battle is one between purity and corruption. I have never claimed for myself or my friends that we are the embodiment of absolute purity; nor have I asserted that all the gentlemen who sit opposite, and who, under a mistaken notion of fidelity to a party leader, or of fealty to a lost cause, are about to vote against us—are corrupt. Far from it; I cannot be so ungenerous; I cannot be so unjust. But to them I repeat my solemn warning, that they will be strictly judged, and that loyalty to a party, or to a man, will not be held to justify treason to their country. And for us, sir, who are professing opposite views to-night, I desire that we shall be judged by them for all time to come—that in whatever

situation my honorable friends around me may be placed, the position we have taken, the titude we have assumed, the ground upon which we stand shall be held by us, and if not by us, then against us, as the only true and solid ground. We are here to set up once again the standard of public virtue. We are here to restore once again the fair fame of the country which has been tarnished; we are here to brighten, if we may, that fame; we are here to purge this country of the great scandal and calamity inflicted on it by those entrusted with the conduct of its affairs. I agree with the hon. gentleman, that after all our efforts we will still be left in a position far inferior in the eyes of the world to that which we held before these transactions happened. We cannot, even by the act of justice which we propose to perform; we cannot, even by the solemn judgment which we are about to render; we cannot, even by the purgations, and lustrations which we are about to accomplish, altogether wipe away in other eyes, and amongst other people, the stain, the shame, and the disgrace which has fallen upon the land. I have no feelings of joy, and congratulation at this result. I deeply deplore the truth of these facts; but I am one of those who believe that what is to be deplored is the existence of the facts, and not their discovery. I do not understand that Spartan virtue which deems a theft no crime so long as it is concealed. I do not understand that morality which will permit a crime unseen, but is deeply shocked and alarmed for the credit of the country lest the crime should become known. I do not understand the morality of the Minister of Customs, who told us that it was greatly to be regretted, while these things must and would be done, that they should be made public. Sir, you will not heal the festering sore by healing the skin above it. You must lance it, lay it open, cleanse it, and purify it, before you can get good healthy flesh to grow again, and effect a thorough cure. Painful though the task may be, arduous though it is, I believe it is about to be accomplished. The night is far spent, the day is at hand. When this vote is rendered, let it be rendered by every man amongst us with reference to those principles of public virtue which he would apply in his own transactions as the standard between himself and his neighbor. Let us not be carried away by the abominable doctrine that there is a distinction between the standards of public and private virtue; let us not agree to the notion that that may be done in secret which it is a shame to state in public; let us lay down the rule that our transactions shall be open and candid, and such as may bear the light of day; and as the shame exists, as it has been discovered, as it has been conclusively established, as it has been confessed, let us now adjudge to its perpetrators their just reward.

106

246915c

